



Hawkesbury Local Planning Panel

Date of meeting: 15 February 2024
Location: By audio-visual link
Time: 10:00 AM

MINUTES

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1. PROCEDURAL MATTERS

Minutes of the Hawkesbury Local Planning Panel Meeting held by Audio-Visual Link, on 15 February 2024, commencing at 10:00am.

ATTENDANCE

Present: Mr David Ryan, Chair
Ms Deborah Sutherland, Expert Member
Mr John Brunton, Expert Member
Mr Graham Edds, Community Representative

In Attendance: Mr Steven Chong – Manager Development Assessment, Hawkesbury City Council
Mr Matthew Golebiowski – Coordinator Town Planning, Hawkesbury City Council
Ms Jodie Schembri – Senior Town Planner – Hawkesbury City Council
Mr Craig Winn – General Counsel – Hawkesbury City Council
Ms Melissa Ryan – 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

SPEAKERS	ITEM NO/SUBJECT
Daryl Ryan	Item: 2.1.1 CP - DA0204/23 - Alterations and Additions to an Existing Dwelling House and Construction of an Outbuilding - Lot 14 DP 238403, No.270 Terrace Road, NORTH RICHMOND

2. REPORTS FOR DETERMINATION

2.1.1. CP - DA0204/23 - Alterations and Additions to an Existing Dwelling House and Construction of an Outbuilding - Lot 14 DP 238403, No.270 Terrace Road, NORTH RICHMOND - (95498, 96329)

Directorate: City Planning

The Panel was addressed by Mr Daryl Ryan.

PANEL DECISION:

That DA0204/23 is refused for the following reasons.

Local Planning Panel Reasons for Refusal

Pursuant to Section 4.16 of the Environmental Planning and Assessment Act 1979:

1. The variation pursuant to Clause 4.6 to the maximum height of building under Clause 4.3 of the Hawkesbury Local Environmental Plan 2012 not be supported; and
2. The Hawkesbury Local Planning Panel, exercising the function of the consent authority, refuses development consent to DA0204/23 for alterations and additions to an existing dwelling house and the construction of an outbuilding on land at 270 Terrace Road, North Richmond for the following reasons:

State Environmental Planning Policy (Biodiversity and Conservation) 2021

- a) The proposed development is inconsistent with Clause 6.12 Riverine Scenic Areas of State Environmental Planning Policy (Biodiversity and Conservation) 2021 in that the impact of the development on the scenic quality of the Riverine Scenic Area is not minimised.

(Section 4.15(1)(a)(i) of the Environmental Planning and Assessment Act 1979)

Hawkesbury Local Environmental Plan 2012

- b) The proposed development is excessive in the height development standard of 10 metres prescribed under Clause 4.3 of Hawkesbury Local Environmental Plan 2012. The application fails to demonstrate that compliance with the development standard is unreasonable or unnecessary in the circumstance and the written request to vary this standard has failed to provide well-founded planning grounds to justify the contravention of the development standard.
- c) The proposed development is considered to be unacceptable having regard to the objectives of Hawkesbury Local Environmental Plan 2012. Particularly;
 - To ensure that development retains or enhances existing landscape values including a distinctive agricultural component, and
 - To preserve the river valley systems, scenic corridors, wooded ridges, escarpments, environmentally sensitive areas and other features of scenic quality.

(Section 4.15(1)(a)(i) of the Environmental Planning and Assessment Act 1979)

Hawkesbury Development Control Plan 2002

- d) The proposed development does not comply with the requirements of the Hawkesbury Development Control Plan 2002, in particular, Chapter 1 Residential Development and Chapter 8 Farm Buildings and Outbuildings.

(Section 4.15(1)(a)(iii) of the Environmental Planning and Assessment Act 1979)

Likely Impact

- e) The proposed development will have an unacceptable impact on the visual quality of the area.
- f) The proposed development is likely to have an adverse impact on the amenity of residents in the immediate locality.
- g) The development application contains insufficient information to carry out an assessment of the likely impacts of the proposed development with regard to Section 4.15 of the Environmental Planning and Assessment Act 1979. In particular, there is insufficient information in respect of landscaping, a complete survey plan, shadow diagrams and FFLs to AHD.

(Section 4.15(1)(b) of the Environmental Planning and Assessment Act 1979)

Submissions

- h) The issues raised in the submission have been considered and further warrant the refusal of the application.

(Section 4.15(1)(d) of the Environmental Planning and Assessment Act 1979)

Public Interest

- i) For the reasons listed above, approval of the application is not within the public interest.

(Section 4.15(1)(e) of the Environmental Planning and Assessment Act 1979)

That those who made a submission be advised of the Panel's decision

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

For the Motion: David Ryan, Deborah Sutherland, John Brunton and Graham Edds.

Against the Motion: Nil.

Absent: Nil.

2.1.2. CP - DA0014/23 - Signage - Removal of Existing Signage and Construction of a Digital Advertising Structure - Lot 9 DP 1149340, No.9 Industry Road, VINEYARD - (96329)

Directorate: City Planning

PANEL DECISION:

Pursuant to Section 4.16(1)(b) of the Environmental Planning and Assessment Act, 1979:

- **That** the Hawkesbury Local Planning Panel, exercising the function of the consent authority, grant development consent to DA0014/2023 for the removal of existing signage and construction of a digital advertising structure on the site of 9 Industry Road, Vineyard, subject to conditions contained in the Council Assessment Report and the following additional condition:

“15. Design

The final design of the proposed structure shall be submitted to, and endorsed by Council’s Manager Development Assessment and Council’s Heritage Officer prior to the issue of a Construction Certificate.”

This determination is made for the following reasons:

- The proposed signage meets the objectives of the zone and relevant controls under the Hawkesbury Local Environmental Plan 2012.
- The proposed development generally complies with controls under the Hawkesbury Development Control Plan 2012.
- The proposed development remains in the public interest and will result in the replacement of an unsightly dilapidated sign in a prominent location in Vineyard.

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

For the Motion: David Ryan, Deborah Sutherland, John Brunton and Graham Edds.

Against the Motion: Nil.

Absent: Nil.

2.1.3. CP - Delegations of Specific Functions from Hawkesbury City Council Local Planning Panel to General Manager, Director City Planning and General Counsel - (95498, 144940)

Directorate: City Planning

PANEL DECISION:

The functions of the Hawkesbury Local Planning Panel under S.8.5(4) of the Environment Planning and Assessment Act 1979 in relation to planning appeals be delegated by the Panel to the General Manager and Director City Planning and General Counsel in accordance with the attached instrument of delegation.

The functions of the Panel under s8.15(4) of the Environmental Planning and Assessment Act 1979 in relation to Planning Appeals, subject to Council providing the Panel with Notice of a Planning Appeal, within 28 days of service of the Planning Appeal.

Include the definition of Notice in Attachment 1 – Draft Instrument of Delegation:

Notice means provide Panel members with an electronic communication (email), enclosing or annexing a copy of the Planning Appeal

AT 1 – Draft Instrument of Delegation

Environmental Planning and Assessment Act 1979

Delegation of Specific Functions from Hawkesbury Local Planning Panel to the General Manager, Director City Planning and General Counsel

By resolution of the Panel dated ----- 2024 the Panel pursuant to s2.20(8) of the Act delegates to the General Manager, Director City Planning and General Counsel the Functions specified or described in Schedule 1 of this Instrument of Delegation.

1. Definitions

1.1 In this instrument

Act means the Environmental Planning and Assessment Act 1979.

Council means Hawkesbury City Council.

Director City Planning means the person appointed by the General Manager to the position of Director City Planning.

Function means a function of the Local Planning Panel within the meaning of the Act.

General Manager means the person appointed by the Council to the position of General Manager.

General Counsel means the person appointed by the General Manager to the position of General Counsel or Manager Legal Services.

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Notice means provide Panel members with an electronic communication (email), enclosing or annexing a copy of the Planning Appeal

Panel means Hawkesbury Local Planning Panel.

Planning Appeal means an appeal commenced pursuant to ss 8.6, 8.7, 8.8 and 8.9 of the Act and any subsequent appeal proceedings arising from any decision in those proceedings.

2. Commencement

2.1 The delegation commenced on -----2024 (Drafting note to be the same date as the resolution).

Schedule 1

Functions

The functions of the Panel under s8.15(4) of the Act in relation to a Planning Appeal, **subject to the Council providing the Panel with Notice of a Planning Appeal.**

Chairman of Panel

Date: 2024

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

For the Motion: David Ryan, Deborah Sutherland, John Brunton and Graham Edds.

Against the Motion: Nil.

Absent: Nil.

The meeting terminated at 11:18am.



Hawkesbury Local Planning Panel Meeting

End of Minutes

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