

# Hawkesbury Local Planning Panel Meeting

Date of meeting: 21 July 2022 Location: By Audio-Visual Link Time: 10:00 a.m. MINUTES

# **Table of Contents**

Minutes: 21 July 2022

# TABLE OF CONTENTS

ITEM	SUBJECT	PAGE
ATTENDANCE		2
SECTION 1 – Reports for Determination		3
Item: 006	CP - DA0196/20 - Lot 3 DP 270515, 88B Bulgamatta Road, Berambing - (83531, 14283, 95498)	3
SECTION 2 – Reports for Advice		5
Item: 007	CP - Proposed Heritage Listing of 3 New Street, Windsor - (124414, 95498)	5

# **Table of Contents**

Minutes: 21 July 2022

Minutes: 21 July 2022

Minutes of the Hawkesbury Local Planning Panel Meeting held by Audio-Visual Link, on 21 July 2022, commencing at 10:00am.

#### ATTENDANCE

Present:	Louise Byrne, Expert Member, Alternate Chair John Brunton, Expert Member Ian Hunt, Expert Member Paul Rogers, Community Member
In Attendance:	Mr Andrew Kearns, Manager Strategic Planning, Hawkesbury City Council Mr Andrew Johnston, Senior Town Planner, Hawkesbury City Council Mr Christopher Reeves, Senior Heritage Officer, 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 have formally requested to address the panel at the commencement of the consideration of the item.

#### SPEAKERS ITEM NO/SUBJECT

Lionel Buckett Item: 6 CP - DA0196/20 - Lot 3 DP270515, 88B Bulgamatta Road, Berambing - (83531, 14283, 94598)

Roderick Storie Item: 6 CP - DA0196/20 - Lot 3 DP270515, 88B Bulgamatta Road, Berambing - (83531, 14283, 94598)

Minutes: 21 July 2022

#### **SECTION 1 – Reports for Determination**

 
 Item: 006
 CP - DA0196/20 - Lot 3 DP 270515, 88B Bulgamatta Road, Berambing -(83531, 14283, 95498)

 Previous Item:
 003, 17 March 2022 (HLPP) 005, 21 April 2022 (HLPP)

 Directorate:
 City Planning

The Panel was addressed by Mr Lionel Buckett and Mr Roderick Storie, speaking against the recommendation.

#### **Reasons for Decision**

The Hawkesbury Local Planning Panel has determined that Development Application No. DA0196/20 be refused on 21 July 2022 on the following grounds:

- 1. The development application fails to demonstrate the permissibility of the development.
- 2. The approval of the development would be contrary to the public interest.

#### **RESOLUTION:**

#### PANEL DECISION:

The Panel unanimously resolved that:

- 1. Note the update with respect to the new Development Application (DA0200/22) for Eco-tourist facilities on the subject site.
- 2. As the consent authority pursuant to Clause 4.16(1)(b) of the Environmental Planning and Assessment Act 1979 (as amended) Development Application No. DA0196/20 for the use of two buildings identified as the Enchanted Cave and Treehouse as tourist facilities on Lot 3 in DP 270515, known as 88B Bulgamatta Road, Berambing, is refused for the following reasons:

#### Reasons for Refusal

#### Prohibition of Development

The expansion of the tourist facility use has not been found to satisfy the 'existing use' right provisions of the Environmental Planning and Assessment Act 1979 and was, at the time of the lodgement of Development Application No. DA0196/20, prohibited under the Hawkesbury Local Environmental Plan 2012.

#### Particulars:

- (a) Tourist facilities, tourist and visitor accommodation and eco-tourist facilities are prohibited within the RU2 Rural Landscape zone under the Hawkesbury Local Environmental Plan 2012.
- (b) The application has not established that the development of the land as enabled by Development Consent No. MA1308/01 has been undertaken in accordance with the conditions of that consent.
- (c) The application has not established that the development was carried out in accordance with the terms of the consent at the time the development became a prohibited form of development.

# HAWKESBURY LOCAL PLANNING PANEL MEETING Minutes: 21 July 2022

The panel members voted on the proposal and the results of which were as follows:

For the Motion: Louise Byrne, John Brunton, Ian Hunt and Paul Rogers.

Against the Motion: Nil.

Absent: Nil.

Minutes: 21 July 2022

#### **SECTION 2 – Reports for Advice**

Item: 007CP - Proposed Heritage Listing of 3 New Street, Windsor - (124414, 95498)Directorate:City Planning

The Panel unanimously provided the following advice:

- 1. To support the planning proposal to include 'Dalori' at 3 New Street, Windsor Lot 450 DP 1038364 as an item of Environmental Heritage under Schedule 5 of Hawkesbury Local Environmental Plan 2012.
- 2. Encourages Council to finalise preparation of a Heritage Study that considers the interwar period on a more holistic basis, as compared to dealing with potential heritage listings on an individual basis.
- 3. Council allocate additional funding and resources to support appropriate Heritage Studies.
- 4. Notes and compliments Council on its thorough and comprehensive approach to heritage listing of 'Dalori' at 3 New Street, Windsor Lot 450 DP 1038364.

For the Advice:	Louise Byrne, John Brunton, Ian Hunt and Paul Rogers.
Against the Advice:	Nil.
Absent:	Nil.

The meeting terminated at 12:35pm