



Hawkesbury Local Planning Panel

Date of meeting: 18 July 2024
Location: By audio-visual link
Time: 10:00 AM

MINUTES

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HAWKESBURY LOCAL PLANNING PANEL

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1. PROCEDURAL MATTERS

Minutes of the Hawkesbury Local Planning Panel Meeting held by Audio-Visual Link, on 18 July 2024, commencing at 10:01am.

ATTENDANCE

Present:

Mr Anthony Hudson, Chair
Mr Paul Berkemeier, Expert Representative
Mr Christopher Hallam, Expert Representative
Ms Katrina Hiltbrunner, Community Member

In Attendance:

Mr Steven Chong – Manager Development Assessment, Hawkesbury City Council
Mr Matthew Golebiowski – Coordinator Town Planning, Hawkesbury City Council
Mr Matthieu Santoso – Senior Town Planner, Hawkesbury City Council
Ms Patricia Krzeminski – Manager Governance and Risk, Hawkesbury City Council
Ms Melissa Ryan – Administrative Support Coordinator, Hawkesbury City Council

Apologies:

Nil.

DECLARATIONS OF INTEREST

Mr Anthony Hudson declared an interest in Item 2.1.3.

All clause 4.10 Code of Conduct declaration forms were submitted by the Panel Members.

2. REPORTS FOR DETERMINATION

2.1.1. DA0298/23 - 361 George Street, Windsor - (96329)

Directorate: City Planning

There were no addresses to the Panel for this Item.

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 DA0298/23 for alterations and additions to the existing CWA State Heritage listed building consisting of an accessible bathroom with associated decking and access ramp and renovation of the existing internal toilets on the site of 361 George Street Windsor, subject to the recommended conditions of consent with the following amendments and additions:

Condition 2(g)

Amend the condition to read as follows:

The existing rear timber panelled door, window, sills, architraves, associated joinery and brickwork of the part of the building to be demolished are to be safely retained, re-used, or integrated into the approved works to the satisfaction of Council's Heritage Advisor. Details of the schedule of works of these architectural elements are to be provided to the Principal Certifier and within the Photographic Archival Recording.

Condition 31(a)

Add a new condition to read as follows:

Dilapidation Survey – Damage to Public Infrastructure

A dilapidation survey and report (including photographic record) must be prepared by a suitably qualified consultant detailing the pre-developed condition of public infrastructure. Particular attention must be paid to accurately record any pre-developed damaged areas so that Council is fully informed when assessing any damage to public infrastructure caused as a result of the development.

Details demonstrating compliance with the above requirements must be submitted to the Accredited Certifier prior to issue of the Construction Certificate.

Note: The developer may be held liable for all damage to public infrastructure in the vicinity of the site, where such damage is not accurately recorded and demonstrated as pre-existing under the requirements of this condition.

Condition 41

Amend the condition to read as follows:

On completion of the development that is the subject of this consent, and prior to the issue of the Occupation Certificate, a final dilapidation report is to be prepared by an appropriately qualified person and is to be provided to the Principal Certifier and Council identifying:

- a) *whether any damage to public infrastructure has occurred as a result of the development;*
- b) *the nature and extent of any damage caused to public infrastructure as a result of the development;*
- c) *the nature and extent of works required to rectify any damage caused to public infrastructure as a result of the proposed development;*
- d) *the nature and extent of works carried out to rectify any damage caused to the adjoining property and/or public infrastructure as a result of the development; and*
- e) *the nature and extent of any agreements entered into for rectification of any damage caused to public infrastructure as a result of the development.*

This report must reference the original dilapidation survey and reports that were required to be provided to the Principal Certifier in accordance with this consent.

The developer must bear the cost of carrying out works to restore all damage to public infrastructure as a result of the carrying out of the development, and no occupation of the development must occur until damage caused as a result of the carrying out of the development is rectified.

The reasons for the conditions imposed on this application are as follows:

1. To facilitate the orderly implementation of the objectives of the Environmental Planning and Assessment Act 1979 and the aims and objectives of the relevant Council Planning instrument.
2. The proposed development would not have an adverse impact on the existing heritage item and its surrounding curtilage and setting.
2. To ensure that the local amenity is maintained and is not adversely affected and that adequate safeguards are incorporated into the development.
3. To ensure the development does not hinder the proper and orderly development of the subject land and its surrounds.

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

For the Motion: Anthony Hudson, Paul Berkemeier, Christopher Hallam, Katrina Hiltbrunner.

Against the Motion: Nil.

Absent: Nil.

2.1.2. DA0364/23 - 173 March Street, Richmond - (96329)

Directorate: City Planning

Mr Damien McGregor and Ms Erin Sullivan addressed the Hawkesbury Local Planning Panel, speaking for the recommendation in the business paper.

PANEL DISCUSSION

The Hawkesbury Local Planning Panel (the Panel) noted the representations made by the applicant about the proposed conditions requiring waste collection on site.

The Panel accepts that a garbage truck reversing onto the site will cause more disruption to traffic flow on March Street, Richmond than kerb side collection, in addition a truck will not fit entirely within the site. While the Panel accepts that on site waste collection is generally preferable for residential flat buildings, as this is a small site of 1,176.8m² benefiting from existing use rights, the Panel is satisfied that kerb side waste collection can be allowed in the special circumstances of this site if the number of bins are limited to eleven bins comprising of five waste, five recycling and one FOGO.

The Panel also noted that the applicant agrees to a condition that private landscape contractors will remove green waste.

The Panel notes that the applicant agreed that individual power points be provided for each residential vehicle space in the basement.

PANEL DECISION

1. The Hawkesbury Local Planning Panel (the Panel) has considered the applicant's written request under clause 4.6(3) of the Hawkesbury LEP 2012 (the LEP) prepared by Rebecca Zerk received by Council on 7 September 2023 to contravene the 10m Height of Buildings development standard in clause 4.3 of the LEP (the development standard) by 900mm.
2. In accordance with clause 4.6(4) of the LEP the Panel is satisfied that:
 - a) the applicant's written request has adequately addressed the matters required to be demonstrated by clause 4.6(3) of the LEP that:
 - i) compliance with the development standard is unreasonable or unnecessary in the circumstances of this case, and
 - ii) there are sufficient environmental planning grounds to justify contravening the development standard, and
 - b) the proposed development will be in the public interest because it is consistent with the objectives:
 - i) of the development standard, and
 - ii) for development within the R2 Low Density Residential zone (of the LEP) in which the development is proposed to be carried out, and
 - c) the concurrence of the Planning Secretary has been obtained.

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

- That the Panel, exercising the function of the consent authority, grant development consent to DA0364/23 for the demolition of existing residential flat building, construction of new residential flat building comprising three levels, basement car-parking, and associated landscape works on the site of 173 March Street, subject to the recommended conditions of consent with the following amendments and additions:

Condition 19

Amend the condition to now read as follows:

1. *The minimum number of spaces provided must be as follows:*

11 Resident including 2 Accessible and 2 Visitor Car Spaces

and add to the amended condition the following:

All carparking spaces are to be permanently kept open and not to be closed in any way including any partial enclosure.

In the event of any strata subdivision application each of the 11 resident carparking spaces are to be specifically allocated to one of the 11 units and the relevant carparking space is to form part of the corresponding strata lot.

Condition 19a and Condition 108

1. Add a new condition 19a to read as follows:

All residential (non-visitor) car parking spaces must be equipped with an EV ready connection prior to the issue of an Occupation Certificate. The minimum requirement will be the provision of a general purpose power outlet for every resident parking space.

2. Amend condition 108 to read as follows:

Written evidence to be provided to show that the required EV ready connection for all residential carparking spaces (referred to in condition 19a) have been provided.

Condition 21

Amend condition to read as follows:

A dilapidation survey and report (including photographic record) must be prepared by a suitably qualified consultant detailing the pre-developed condition of public infrastructure. Particular attention must be paid to accurately recording any pre-developed damaged areas so that Council is fully informed when assessing any damage to public infrastructure caused as a result of the development.

Details demonstrating compliance with the above requirements must be submitted to the Accredited Certifier prior to issue of the Construction Certificate.

Note: The developer may be held liable for all damage to public infrastructure in the vicinity of the site, where such damage is not accurately recorded and demonstrated as pre-existing under the requirements of this condition.

Condition 45

Amend the condition to read as follows:

An intercom system is to be included to regulate the use of visitor spaces in the basement. The intercom is to be located appropriately on the driveway so that drivers can communicate from their vehicle to individual apartments.

Condition 107

Amend the condition to read as follows:

The number of waste bins on site is to be restricted to eleven bins comprising five waste, five recycling and one FOGO and waste collection is to be undertaken as a conventional kerb side collection. Private landscape contractors are to remove green waste from the site.

The reasons for the conditions imposed on this application are as follows:

1. To facilitate the orderly implementation of the objectives of the *Environmental Planning and Assessment Act 1979* and the aims and objectives of the relevant Council Planning instrument.
2. To ensure that the local amenity is maintained and is not adversely affected and that adequate safeguards are incorporated into the development.
3. To ensure the development does not hinder the proper and orderly development of the subject land and its surrounds.
4. To ensure the relevant matters for consideration under Section 4.15 of *Environmental Planning and Assessment Act 1979* are maintained.

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

For the Motion: Anthony Hudson, Paul Berkemeier, Christopher Hallam, Katrina Hiltbrunner.

Against the Motion: Nil.

Absent: Nil.

2.1.3. DA0407/22 - 10 Woodlands Road, Wilberforce - (96329)

Directorate: City Planning

Mr Anthony Hudson declared a conflict of interest as he has a professional association with the town planning company engaged by the applicant. Mr Hudson left the meeting and did not participate in the discussion or decision on the matter.

In the absence of Mr Anthony Hudson, Mr Paul Berkemeier acted as Chairperson for this Item.

Mr Greg Hall addressed the Hawkesbury Local Planning Panel, speaking for the recommendation in the business paper.

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 DA0407/22 for the Livestock Processing Industries on the site of 10 Woodlands Road, Wilberforce, subject to conditions of consent and the following amended conditions:

Condition 76

Amend the condition to read as follows:

The premises must operate or trade only between the following hours:

Seven days per week 24 hours.

Note: These operational hours are reviewable and subject to a 12 month trial period. At the completion of this period, a written report outlining any submissions or incidents related to acoustic measures are to be provided to Council for its review.

Council reserves the right to amend the trading hours at the completion of the 12 month trial period.

Condition 77

Amend the condition to read as follows:

All heavy vehicle deliveries to and from the site are to be restricted to routes designated in section 7.13.3 of the approved Environmental Impact State Prepared by Urban City dated January 2024 (Rev 4). No heavy vehicle movements are to occur on any roads other than the designated heavy vehicle transportation route.

The Operational Traffic Management Plan developed for the site is to restrict heavy vehicle movements to the designated heavy vehicle transportation route.

The size of heavy vehicles accessing the site shall be a maximum of 19 metre long semi-trailer.

Condition 90

Amend the condition to read as follows:

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During the operation of the Livestock Processing Facility, the proprietor shall ensure that the following contact details are available for community complaints:

- a) *A telephone number on which complaints about operations on the site may be registered*
- b) *A postal address to which written complaints may be sent*
- c) *An email address to which electronic complaints may be transmitted.*

The proprietor shall ensure that the required details are publicly available including, but not limited to, displaying the information on a sign near the entrance to the site, in a position that is clearly visible to the public. If the proprietor has an internet site these details shall also be provided on this site.

The reasons for the conditions imposed on this application are as follows:

- 1. To facilitate the orderly implementation of the objectives of the *Environmental Planning and Assessment Act 1979* and the aims and objectives of the relevant Council Planning instrument.
- 2. To ensure that the local amenity is maintained and is not adversely affected and that adequate safeguards are incorporated into the development.
- 3. To ensure the development does not hinder the proper and orderly development of the subject land and its surrounds.
- 4. To ensure the relevant matters for consideration under Section 4.15 of *Environmental Planning and Assessment Act 1979* are maintained.

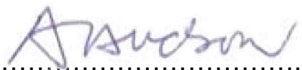
The Panel members voted on the matter the results of which were as follows:

For the Motion: Paul Berkemeier, Christopher Hallam and Katrina Hiltbrunner.

Against the Motion: Nil.

Absent: Anthony Hudson.

The meeting terminated at 11:33am.


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Chair



Hawkesbury Local Planning Panel Meeting

End of Minutes

This business paper has been produced electronically to reduce costs, improve efficiency and reduce the use of paper. Internal control systems ensure it is an accurate reproduction of Council's official copy of the business paper.