



Hawkesbury Local Planning Panel

Date of meeting: 21 November 2024
Location: By audio-visual link
Time: 10:00 AM

MINUTES

HAWKESBURY LOCAL PLANNING PANEL

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Meeting Date: 21 November 2024

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1. PROCEDURAL MATTERS

Meeting Date: 21 November 2024

1. PROCEDURAL MATTERS

Minutes of the Hawkesbury Local Planning Panel Meeting held by Audio-Visual Link, on 21 November 2024, commencing at 10:00am.

ATTENDANCE

Present:

Mr Anthony Hudson, Chair
Mr Graham Brown, Expert Representative
Mr Garry Chapman, Expert Representative
Mr Wayne Mitchell, Community Member

In Attendance:

Mr Steven Chong - Manager Development Assessment, Hawkesbury City Council
Mr Andrew Kearns – Manager Strategic Planning, Hawkesbury City Council
Mr Matthew Golebiowski - Coordinator Town Planning, Hawkesbury City Council
Ms Sunehla Bala - Coordinator Strategic Land Use Planning, Hawkesbury City Council
Ms Adiba Kashfi - Executive Planner, Hawkesbury City Council
Ms Megha Pathiyil – Strategic Planner, Hawkesbury City Council
Ms Vandana Saini - Administrative Support Coordinator, Hawkesbury City Council
Ms Jessica Vaughan - Administrative Support Officer, Hawkesbury City Council

Apologies:

Nil

DECLARATIONS OF INTEREST

The Chairperson asked the Panel Members if any member needed to declare an 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.

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2. REPORTS FOR DETERMINATION

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2. REPORTS FOR DETERMINATION

2.1.1. DA0421/22 - 457 Bells Line of Road, Kurmond

Directorate: City Planning

PANEL DECISION

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

That the Hawkesbury Local Planning Panel, exercising the function of the consent authority, grant development consent for DA0421/22 for demolition of existing structure, remediation of land, tree removal, Torrens Title subdivision creating four (4) lots and construction of an access way at 457 Bells Line Road, Kurmond, subject to the amended recommended conditions of consent with the following changes to those conditions (including any necessary consequent renumbering of conditions):

Condition 1 Approved Plans and Supporting Documentation

Amend condition to show date of the approved 94752DA2 issue I as 27 May 2024 (and amend any other references to the incorrect date throughout the Conditions)

Condition 11 - Remediation of Contaminated Land

Add a new subparagraph (a) to the condition as follows:

- a) *State Environmental Planning Policy (Resilience & Hazards) 2021.*

Condition 22 - Voluntary Planning Agreement

Add a new condition as follows:

- (a) *Compliance with the planning agreement between Council and Lyndal M Attard, Marilyn A Attard, Robert M Attard, Brenton M Dawson, Jennifer R Ross dated 3 August 2023 is a condition of this consent. The applicant shall provide evidence of its compliance with this condition. This condition will not be satisfied until Council has given its written certification to this effect.*
- (b) *In the event that the planning agreement is terminated, then Councils contribution plan provisions of Sections 7.11 and 7.12 of the Environmental Planning and Assessment Act 1979 will apply to the proposed development.*
- (c) *If a Section 7.11 Plan applicable to the land comes into effect before the issuance of any subdivision certificate, the planning agreement provides that the agreement is terminated immediately so that the adopted contribution rate specified in the Section 7.11 Plan will apply to this consent and replace the developer's contribution rate under the terminated planning agreement.*
- (d) *The Council or the Developer cannot retrospectively apply a section 7.11 contribution for any additional allotment for which development contributions have already been paid in accordance with the planning agreement.*

Condition 28 - Positive Covenant – Vegetation Management Plan

Add a new condition as follows:

Improvements and long-term maintenance to the three remnant patches of native vegetation on the subject property (shown as Proposed VMP areas 1,2 and 3 on the approved plan

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94752DA2 issue 1) shall be detailed in a separate Vegetation Management Plan (VMP). The VMP must be submitted to the Council for review and approval prior to the release of the Subdivision Certificate.

A positive covenant must be registered on the title of proposed Lots 21 and 24 to require the ongoing maintenance and management of the vegetation zones in accordance with the approved VMP.

Condition 32 - Restrictions on Title

Amend condition as follows:

The following restrictions as to user must be included on the titles for the Lots and the Final Plan of Subdivision:

- a) *building envelopes for the location of the house sites and disposals buffer areas for sewerage disposal for each of the Lots 21-24 as shown on the approved plan 94752DA2 Issue 1 dated 27 May 2024,*
- b) *a restriction which prohibits the erection of a dwelling on Lots 21 - 24 unless connected to an on-site effluent disposal system, and*
- c) *a restriction which prevents any vegetation or use of the VMP areas 1 (lot 24), 2 (lot 24) and 3 (Lot 21) as shown on the approved plan 94752DA2 Issue 1 dated 27 May 2024, other than as approved in the approved VMP.*

Council is to be nominated as the party empowered to release, vary or modify these restrictions.

Condition 39 - Creation of Easements

Amend condition as follows:

The creation of easement for services, right of carriageway must be provided under Section 88B of the Conveyancing Act 1919 including (but not limited to) the following:

- a) *Right of Carriageway shall be created over the full length of the proposed access driveways.*
- b) *Easements for all services, such as electricity, telecommunication, water, sewage, stormwater drainage, and gas (where available).*

The Emergency right of carriage way restricted to emergency use only when the main access is blocked by bush fire. The Easement is to include appropriate access arrangements between the owners and emergency service providers when required.

Council is to be nominated as the party empowered to release, vary or modify these restrictions. Instrument setting out terms of easements for items above to be created and restrictions on the use of land and positive covenants intended to be created, must be submitted to Principal Certifier for approval prior to issue of the any Subdivision Certificate.

Condition 40 - Emergency Vehicle Access Provisions

Add a new condition as follows:

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Access to the emergency right of carriageway from Bells Line of Road shall be restricted to emergency vehicles only. To enforce this restriction, appropriate signage must be installed, and a gate must be introduced to prevent unauthorized vehicle entering the premises via this access point.

Consultation with the NSW Rural Fire Service must be undertaken prior to the installation of the signage and gate to ensure compliance with applicable standards and requirements.

1. The proposed development is permissible in Clause 2.6 of the Hawkesbury Local Environmental Plan 2012 and satisfies the requirements of all applicable planning controls.
2. The proposed development would retain the prevailing landscape values of the Kurmond locality and would enhance the inherent rural character which is noted to exhibit a distinctive agricultural context.
3. This application has obtained the General Terms of Approval from the NSW Rural Fire Service to establish appropriate Bushfire Protection Measures to be implemented in future residential development.
4. The proposed development has been designed to ensure that vegetation will be conserved under a Positive Covenant on the property title that will guarantee the long-term maintenance and support of the vegetation.
5. The proposed development is subject to a Voluntary Planning Agreement which has been adopted by Council and ensures the provision of public infrastructure and services.
6. The development would not create unreasonable demands for the provision or extension of public amenities and services; and
7. For the reasons given above, approval of the application is in the public interest.

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

For the Motion: Anthony Hudson, Graham Brown, Garry Chapman and Wayne Mitchell.

Against the Motion: Nil.

Absent: Nil.

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3. REPORTS FOR ADVICE

Meeting Date: 21 November 2024

3. REPORTS FOR ADVICE

3.1.1. Planning Proposal LEP002/24 - Kemsley Park, Grose Vale (144940, 96329)

Directorate: City Planning

PANEL DISCUSSION

The Panel was addressed by staff and representatives of the applicant in a closed session after the public meeting in order to provide additional explanation of the Planning Proposal and answer questions from the Panel.

The Panel notes that the applicant is committed to the construction of the new bridge over the Grose River as the planning approvals are now in place.

The Panel encourages this to occur in the quickest possible time noting that the construction of the bridge underpins the traffic assessment for this site, and the Redbank development generally.

The Panel is of the opinion that the strategic planning rationale and site-specific merit of the Planning Proposal as set out in the Planning Proposal and the report to the Panel has sufficient merit to proceed in the assessment process.

The Panel understands that the Planning Proposal is ready for submission to the Department of Planning subject to Council's approval.

PANEL DECISION

The Panel's advice to the Council is that the Planning Proposal LEP002/24 – Kemsley Park, Grose Vale should proceed to the next step of applying to the Department of Planning, Housing and Infrastructure for a Gateway Determination and as part of this process the Panel suggests that consideration be given to whether the Molino Stewart report in relation to Flood and Bush Fire, Safety Evaluation August 2009 should be updated.

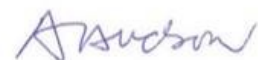
The Panel members voted on the matter the results of which were as follows:

For the Motion: Anthony Hudson, Graham Brown, Garry Chapman and Wayne Mitchell.

Against the Motion: Nil.

Absent: Nil.

The meeting terminated at 11:24am.



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Chair



Hawkesbury Local Planning Panel Meeting

End of Minutes

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