



DATE OF DECISION	12 February 2018
PANEL MEMBERS	Justin Doyle (Chair), Bruce McDonald and Lindsay Fletcher
APOLOGIES	Nicole Gurran
DECLARATIONS OF INTEREST	<p>Mr Matthew Owens advised that he does not believe that he has a direct conflict of interest in this matter. However, due to his involvement with the strategic planning for this locality and the recent Council resolutions to review the Hawkesbury Residential Land Strategy he believes that there may be a Perceived conflict of interest in him being involved in the rezoning review. As such he withdrew from the Sydney Western City Planning Panel meeting of 12 February 2018.</p> <p>Clr Mary Lyons-Buckett withdrew from the Panel due to the possibility of a perceived conflict and advised that Planning proposals in this specific area have been the subject of a series of Council resolutions in which she has been involved. Therefore she has decided this is the correct path of action to take regarding this specific application.</p>

REZONING REVIEW

2017SWT012 – LGA – Hawkesbury – PGR_2017_HAWKE_001_00 – at 79, 95 and 100 Bells Lane and 457 Bells Line of Road, Kurmond (AS DESCRIBED IN SCHEDULE 1)

Reason for Review:

- The council has notified the proponent that the request to prepare a planning proposal has not been supported
- The council has failed to indicate its support 90 days after the proponent submitted a request to prepare a planning proposal or took too long to submit the proposal after indicating its support

PANEL CONSIDERATION AND DECISION

The Panel considered: the material listed at item 4 and the matters raised and/or observed at meetings and site inspections listed at item 5 in Schedule 1.

Based on this review, the Panel determined that the proposed instrument:

- should** be submitted for a Gateway determination because the proposal has demonstrated strategic and site specific merit
- should not** be submitted for a Gateway determination because the proposal has
 - not demonstrated strategic merit
 - has demonstrated strategic merit but not site specific merit

The decision was unanimous.

REASONS FOR THE DECISION

Relevant policies

Policies of particular relevance to the assessment of this proposal include:

- The Draft Western District Plan which is the central strategic policy against which the proposal is to be assessed.
- The Kurmond Kurrajong Investigation Area (Structure) Plan and associated Interim Policy adopted by Council adopted 28 July 2015.

Strategic Merit

The Panel considers the proposal is fundamentally consistent with the Draft Western District Plan and in particular will advance the Liveability Planning Priority W5 by providing further housing supply and Priority W6 by complementing and reinforcing the rural lifestyle qualities and attractions of Kurmond village.

The advantages of providing additional lifestyle rural housing very much in demand in the Hawkesbury area in a locality which is no longer well suited to significant agriculture demonstrates adequate strategic locational merit for the proposal to be advanced.

Site Specific Merit

After considering the likely environmental impacts of the proposal including those arising under the Department's Gateways Sustainability Priorities W12 and W14, the panel is satisfied that it is suitable for being referred to the Department for a Gateway determination under s.56 of the Environmental Planning and Assessment Act 1979 (the Act).

While the site presented significant ecological and bushfire issues, there seemed to be reasonable measures that could be adopted through the planning proposal process, and the subsequent assessment of individual DA's for any future subdivisions if the planning proposal is adopted, for those matters to be managed.

COMMENTS

The Panel considers that site specific matters warranting attention prior to exhibition of a draft instrument include:

1. Potential to include minimum lot sizes in any draft instrument given Gateway approval, possibly in the form of the "Proposed Amended Lot Size Map". If that measure is adopted the number of lots possible under the minimum lot size control should not exceed those currently shown in the present planning proposal.
2. Potential to include an environmental zoning for parts of the subject sites congruous with those areas which are identified in the supporting ecological assessments as warranting special protection and management.

In determining that the proposal has sufficient merit to be advanced for further assessment, the Panel has considered the following matters need to be examined which are relevant to the suitability of rural holdings in this part of the Hawkesbury Local Government Area into lots aimed towards lifestyle housing:

- The impact that the subsequent development would have on the health and viability of the creek system and associated riparian corridors (which in turn feeds the broader river catchment system).
- The impact the subsequent development would have on the existing on site native vegetation system including the weight to be given to any losses and the potential for additional development to be conducted on the basis of additional planting to improve the extent and quality of that environmental element being required.
- The capacity to develop the land while maintaining adequate fire protection precautions and management measures.
- Assessment of the resulting development against the objectives of the objectives of the RU1 Primary Production zone under Hawkesbury LEP 2012, while recognising that agriculture is effectively no longer carried on in this locality.

It will be appropriate as the proposal advances through the Gateway and exhibition process to engage the relevant agencies in a review of these matters to advance this investigation to the point of finalising the definition of land on which additional housing/lot creation would be permitted under the provisions of Hawkesbury LEP 2012.

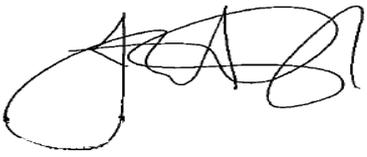
A further issue this Investigation Area planning raises in considering this planning proposal is the ordered provision and improvement of infrastructure that may be needed to support the intensification of development within the investigation area when its extent of future development is determined. At present no VPA is offered and there is no Section 94 Plan.

Relevant to the Panel's decision to advance this planning proposal is its history with the Council. The Council invited planning proposals as part of its adoption of the Kurmond Kurrajong Investigation Area in around 2015. This proposal was initially made at that time and has been in various stages of negotiation with the Council since.

The Council resolved at its meeting of 14 February 2017 to defer planning proposals in the Kurmond Area "pending completion of studies which will determine the total lot yield in Kurmond-Kurrajong Investigation Area and a report explaining the impact of that yield on relevant infrastructure be considered by Council and the adoption of a long term policy for development in the locality."

However, there is no indication in the material reported to the Panel to indicate that the process forecast by that resolution has significantly advanced in the year that has passed since, and Council has taken no step to reject the proposal. A letter tabled at the meeting dated 4 April 2017 makes it clear that the proponent was still then being encouraged to progress its proposal (albeit in an amended form).

Referral of this proposal to Gateway will facilitate a timely final consideration of the detailed merits of this proposal.

PANEL MEMBERS	
 Justin Doyle (Chair)	 Bruce McDonald
 Lindsay Fletcher	

SCHEDULE 1		
1	PANEL REF – LGA – DEPARTMENT REF - ADDRESS	2017SWT012 – LGA – Hawkesbury – PGR_2017_HAWKE_001_00 – at 79, 95 and 100 Bells Lane and 457 Bells Line of Road, Kurmond
2	LEP TO BE AMENDED	Hawkesbury Local Environmental Plan 2012
3	PROPOSED INSTRUMENT	The proposal seeks to amend Hawkesbury Local Environmental Plan 2012, by altering the Restricted Lot Yield Map (Sheet RY_008AA), ot allow land at 79, 95 and 100 Bells Lane and 457 Bells Line of Road, Kurmond to be subdivided into 18 large residential lots.
4	MATERIAL CONSIDERED BY THE PANEL	<ul style="list-style-type: none"> • Rezoning review request documentation • Briefing report from Department of Planning and Environment
5	MEETINGS AND SITE INSPECTIONS BY THE PANEL	<ul style="list-style-type: none"> • Site inspection: 12 February 2018 <ul style="list-style-type: none"> ○ Panel members in attendance: Justin Doyle (Chair), Bruce McDonald and Lindsay Fletcher ○ Department of Planning and Environment (DPE) staff in attendance: Terry Doran and Alicia Hall • Briefing meeting with Proponent & Council: 12 February 2018, from 12.43 pm to 2.10 pm <ul style="list-style-type: none"> ○ Panel members in attendance: Justin Doyle (Chair), Bruce McDonald and Lindsay Fletcher ○ DPE staff in attendance: Terry Doran and Alicia Hall ○ Proponent representatives in attendance: Robert Montgomery and Jennie Hopkins ○ Council representatives in attendance: Colleen Haron and Andrew Kearns • Briefing meeting with Department of Planning and Environment (DPE): 12 February 2018, from 2.10 pm to 3.00 pm <ul style="list-style-type: none"> ○ Panel members in attendance: Justin Doyle (Chair), Bruce

McDonald and Lindsay Fletcher

- DPE staff in attendance: Terry Doran and Alicia Hall