

<b>DATE OF DECISION</b>	26 March 2018
<b>PANEL MEMBERS</b>	Justin Doyle (Chair), Bruce McDonald, Stuart McDonald, Matt Owens and Judy Clark
<b>APOLOGY</b>	Nicole Gurran
<b>DECLARATIONS OF INTEREST</b>	Nil

### REZONING REVIEW

2018SWT003 – LGA – Hawkesbury – PGR\_2017\_HAWKE\_001\_00 – at 72Bells Lane, Kurmond to enable a small subdivision (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:

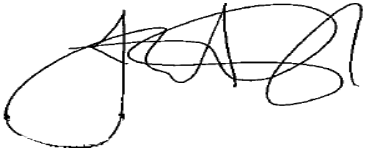



- ☐ **should** be submitted for a Gateway determination because the proposal has demonstrated strategic and site-specific merit
- ☒ **should not** be submitted for a Gateway determination because the proposal has
  - ☒ not demonstrated strategic merit
  - ☐ has demonstrated strategic merit but not site-specific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


The decision was unanimous.

### REASONS FOR THE DECISION

1. There are a number of issues which would be better and more efficiently examined cumulatively as part of an area wide rezoning process across the identified Kurmond Kurrajong Investigation Area, including particularly:
  - (a) the need for an upgrade to the intersections with The Bells Line of Road to increase safety and to respond to the RMS position advised in response to planning proposals already advancing through the Gateway process.
  - (b) the ordered and coordinated arrangement of pedestrian, vehicular and bicycle access within the Investigation Area to service new subdivisions.

- (c) a consistent approach to ecological protection of the environmental corridors across the Investigation areas.
  - (d) the potential for increased and improved social facilities.
  - (e) the development of a contributions plan to equitably fund a response to these matters.
2. Given advice from Council staff that the Kurmond Kurrajong Investigation is now progressing vigorously, the balance of the planning proposals awaiting gateway referral should be delayed until that Investigation concludes to allow a more consistent approach to these matters.
3. There are three factors which distinguish the consideration of this planning proposal referral application from earlier Gateway applications which were approved by the panel, and namely:
- (a) Advice from the Council that (in contrast to previous delays) substantial steps have been taken in recent weeks to advance the Investigation, and particularly:
    - (i) a traffic study has been commissioned;
    - (ii) an ecological/biodiversity report is being prepared; and
    - (iii) identification of the appropriate agricultural classification is underway.
  - (b) Concerns that have recently raised by the RMS regarding the cumulative impact on the local road network within the Investigation Area.
  - (c) The two planning proposals recently approved for Gateway referral each had unique features, namely:
    - (i) The first was lodged on 30 January 2015 (two years before this application) before the Kurmond Kurrajong Investigation was announced, and
    - (ii) The other was on the northern side of The Bells Line of Road to which sewer connection is planned.

PANEL MEMBERS	
 Justin Doyle (Chair)	 Bruce McDonald
 Stuart McDonald	 Matt Owens

 Judy Clark	
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SCHEDULE 1		
1	<b>PANEL REF – LGA – DEPARTMENT REF - ADDRESS</b>	2018SWT003 – LGA – Hawkesbury – PGR_2017_HAWKE_001_00 – at 72Bells Lane, Kurmond to enable a small subdivision.
2	<b>LEP TO BE AMENDED</b>	Hawkesbury Local Environmental Plan 2012
3	<b>PROPOSED INSTRUMENT</b>	The proposal seeks to amend Hawkesbury Local Environmental Plan 2012, by altering the Restricted Lot Yield Map (Sheet RY_008AA), by amending the Minimum Lot Size Map (Sheet LSZ_008AA), to permit minimum lot sizes of 4000sqm and 10,000sqm at 72 Bells Lane, Kurmond, to enable a small subdivision.
4	<b>MATERIAL CONSIDERED BY THE PANEL</b>	<ul style="list-style-type: none"> <li>Rezoning review request documentation</li> <li>Briefing report from Department of Planning and Environment</li> </ul>
5	<b>MEETINGS AND SITE INSPECTIONS BY THE PANEL</b>	<ul style="list-style-type: none"> <li><b>Site inspection:</b> 26 March 2018 <ul style="list-style-type: none"> <li>Panel members in attendance: Justin Doyle (Chair), Bruce McDonald, Stuart McDonald, Matt Owens and Judy Clark</li> <li>Department of Planning and Environment (DPE) staff in attendance: Terry Doran and Chantelle Chow</li> </ul> </li> <li><b>Briefing meeting with Proponent &amp; Council:</b> 26 March 2018, from 12.15pm to 1.30pm <ul style="list-style-type: none"> <li>Panel members in attendance: Justin Doyle (Chair), Bruce McDonald, Stuart McDonald, Matt Owens and Judy Clark</li> <li>DPE staff in attendance: Terry Doran and Chantelle Chow</li> <li>Proponent representatives in attendance: Robert Montgomery</li> <li>Council representatives in attendance: Colleen Haron and Andrew Kearns</li> </ul> </li> <li><b>Briefing meeting with Department of Planning and Environment (DPE):</b> 26 March 2018, from 1.30pm to 1.45pm <ul style="list-style-type: none"> <li>Panel members in attendance: Justin Doyle (Chair), Bruce McDonald, Stuart McDonald, Matt Owens and Judy Clark</li> <li>DPE staff in attendance: Terry Doran and Chantelle Chow</li> </ul> </li> </ul>