

ORDINARY MEETING
SECTION 3 – Reports for Determination
Meeting Date: 10 March 2020

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PLANNING DECISIONS

Item: 038 **CP - Planning Proposal to Amend Hawkesbury Local Environment Plan 2012 - 9 Industry Road, Vineyard, 312 Windsor Road, Vineyard, 7 Fernadell Drive, Pitt Town - (95498, 124414)**

Previous Item: 221, Ordinary (11 September 2018)
 251, Ordinary (30 October 2018)
 027, Ordinary, (25 February 2020)

Directorate: City Planning

Council at its meeting on 25 February 2020 deferred this item to the next meeting of Council.

EXECUTIVE SUMMARY:

This Planning Proposal involves two different sites located at:

- 9 Industry Road and 312 Windsor Road, Vineyard - proposing a change in the classification of the land;
- 7 Fernadell Drive, Pitt Town (Fernadell Park) - proposing a change in the LEP Zone controls and a change in the classification of the land.

These sites have been combined into a single proposal.

For clarity, separate Assessment Reports have been provided for each site:

- Attachment 1 – Assessment Report - 9 Industry Road and 312 Windsor Road, Vineyard
- Attachment 2 – Assessment Report - 7 Fernadell Drive, Pitt Town (Fernadell Park)

The purpose of this report is to:

- Provide an assessment of the merits of the Planning Proposal through the separate Assessment Reports; and
- Advise Council of the recommendation of the Hawkesbury Local Planning Panel in respect of this matter;
- Recommend that the combined Planning Proposal be forwarded to the Department of Planning, Industry and Environment for a 'Gateway Determination'.

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RECOMMENDATION:

That:

1. Council support the recommendation of the Hawkesbury Local Planning Panel dated 21 November 2019.
 2. Council support the preparation of a Planning Proposal to:
 - (a) With respect to 9 Industry Road and 312 Windsor Road, Vineyard
 - (i) Reclassify Lot 9 DP 1149340, 9 Industry Road, and Lot 13 DP 815849 and Lot 6 DP 777933, 312 Windsor Road, Vineyard to 'Operational' land;
 - (b) With respect to 7 Fernadell Drive, Pitt Town (Fernadell Park)
 - (i) Reclassify part of Lot 6028 DP 1169449, 7 Fernadell Drive, Pitt Town to 'Operational' land;
 - (ii) Rezone part of Lot 6028 DP 1169449, 7 Fernadell Drive, Pitt Town to RE1 Public Recreation;
 - (iii) Amend the minimum lot size for subdivision of Lot 6028 DP 1169449, 7 Fernadell Drive, Pitt Town to part 4,000m² and part no minimum lot size.
 - (iv) Amend the maximum height of buildings on part of Lot 6028 DP 1169449, 7 Fernadell Drive, Pitt Town so that there is no restriction on the height of buildings.
- and that the Planning Proposal be forwarded to the Department of Planning, Industry and Environment for a 'Gateway' determination.
3. The Department of Planning, Industry and Environment be advised that Council wishes to request a Written Authorisation to Exercise Delegation to make the Plan.

BACKGROUND

Council previously considered these matters at its meeting on 11 September 2018 (Industry Road) and 30 October 2018 (Fernadell Park) and resolved to prepare Planning Proposals to progress them.

The Assessment Reports included as Attachments 1 and 2 demonstrate that the Planning Proposal is considered to be consistent with relevant legislation and considerations including, the *Local Government Act 1993*, *Environmental Planning and Assessment Act 1979* and Practice Note PN16-001 - *Classification and reclassification of public land through a local environmental plan* in relation to the reclassification of the site.

In addition, the Planning Proposal is considered to be consistent with the aims, objectives and requirements of the relevant State, Regional and Local strategies/strategic plans, State Environmental Planning Policies and Section 9.1 Ministerial Directions.

In accordance with the Ministerial Direction under Section 9.1 of the *Environmental Planning and Assessment Act 1979*, the Planning Proposal was referred to the Hawkesbury Local Planning Panel for comment. The Panel recommended that the Planning Proposal proceed for a 'Gateway' determination subject to meeting certain requirements as outlined in this report.

The Planning Proposal has not yet been exhibited as Council has not resolved to prepare the proposal and receive a Gateway determination to proceed. If the Planning Proposal is to proceed it will be exhibited in

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accordance with the relevant provisions of the *Environmental Planning and Assessment Act 1979* (EP&A Act) and associated Regulations, and as specified in any 'Gateway' determination.

An independently facilitated public hearing is required to be held as part of the community consultation process for any planning proposal seeking to reclassify land from 'Community' to 'Operational'.

CONFORMANCE TO THE HAWKESBURY COMMUNITY STRATEGIC PLAN 2017-2036

The proposal is consistent with the following Focus Areas, Directions and Strategies within the Community Strategic Plan.

Our Leadership

1.3 Financial Sustainability - Build strong financial sustainability for now and future generations.

Our Community

2.2 Participation in recreational and lifestyle activities is increased - Encourage and enable our community to participate in a healthy lifestyle

2.4 Community wellbeing and local services - Build on a sense of community and wellbeing

Our Assets

4.3 Places and Spaces - Provide the right places and spaces to serve our community

Our Future

5.1 Strategic Planning Governance - Encourage informed planning, balanced growth and community engagement

5.7 Tourism and Economic Development - Promote our community as the place to visit, work and invest

FIT FOR THE FUTURE STRATEGY CONSIDERATIONS

The proposal is aligned with Council's Long Term Financial Plan to improve and maintain organisational sustainability and achieve Fit for the Future financial benchmarks. The proposal will enable Council to sustainably manage community assets in accordance with the scheduled program of works in the Long-Term Financial Plan.

HAWKESBURY LOCAL PLANNING PANEL

The Planning Proposal was reported to the Hawkesbury Local Planning Panel for advice on 21 November 2019. The Panel recommended that the Planning Proposal proceed to a 'Gateway' determination.

CONCLUSION

As demonstrated in the Assessment Reports for each site, the Planning Proposal is considered to be consistent with relevant legislation and considerations including, the *Local Government Act 1993*, *Environmental Planning and Assessment Act 1979* and Practice Note PN16-001 - *Classification and reclassification of public land through a local environmental plan* in relation to the reclassification of the subject sites.

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In addition, the Planning Proposal is consistent with the aims, objectives and requirements of the relevant State, Regional and Local strategies/strategic plans, State Environmental Planning Policies and Section 9.1 Ministerial Directions.

In particular, the Planning Proposal has strategic merit, and is consistent with the objectives of the Sydney Region Plan and the Western City District Plan as:

- The Pitt Town Community Precinct is being provided in response to the expansion of the residential precinct of Pitt Town to cater for the existing and future community and recreational needs of residents. The design of the Pitt Town Community Precinct will include landscaping that will contribute to the expansion of the urban tree canopy in the public realm. The Planning Proposal will facilitate the timely and efficient delivery of these facilities to support an active, resilient and socially connected community, while maximising the use of the subject site by combining community and recreational uses;
- The reclassification of 9 Industry Road and 312 Windsor Road, Vineyard to 'Operational' land will enable Council to lease this site for advertising purposes to promote existing and future commercial and industrial activities within the Mulgrave Industrial and Business Precinct.

The Planning Proposal is justified as it would:

- enable Hawkesbury City Council to develop and/or manage the sites in line with existing uses (advertising) or intended uses (recreational and community facilities);
- increase the amenity of Pitt Town by facilitating the orderly development of the community and recreational facilities of Fernadell Park;
- increase the productivity of Mulgrave Industrial and Business Precinct by facilitating the ongoing use of 9 Industry Road and 312 Windsor Road, Vineyard for advertising purposes; and
- have no adverse impact on the environmental attributes of the subject sites.

It is therefore recommended that Council support the forwarding of the Planning Proposal to the Department of Planning, Industry and Environment requesting a Gateway Determination under Section 3.34 of the *Environmental Planning and Assessment Act 1979*.

PLANNING DECISION

As this matter is covered by the definition of a "planning decision" under Section 375A of the *Local Government Act 1993*, details of those Councillors supporting or opposing a decision on the matter must be recorded in a register. For this purpose a division must be called when a motion in relation to the matter is put to the meeting. This will enable the names of those Councillors voting for or against the motion to be recorded in the minutes of the meeting and subsequently included in the required register.

ATTACHMENTS:

- AT - 1** Assessment Report – 9 Industry Road and 312 Windsor Road, Vineyard (*Distributed under separate cover*).
- AT - 2** Assessment Report - 7 Fernadell Drive, Pitt Town including maps (*Distributed under separate cover*).

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