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INDEPENDENT PLANNING COMMISSION

GATEWAY DETERMINATION REVIEW – 2 INVERARY DRIVE, KURMOND

MEETING WITH HAWKESBURY CITY COUNCIL

COMMISSION PANEL: CHRIS WILSON (CHAIR)

**OFFICE OF THE IPC: JANE ANDERSON
LINDSEY BLECHER**

**COUNCIL: ANDREW KEARNS
COLLEEN HARON**

VIA VIDEO CONFERENCE

1.09 PM, THURSDAY, 10 JUNE 2021

MR C. WILSON: Before we begin, I would like to acknowledge all the traditional owners of the lands on which we virtually meet, pay my respects to their elders past, present and emerging. Welcome to the meeting today to discuss the Gateway determination review of 2 Inverary Drive, Kurmond. My name is Chris Wilson. I'm
5 the chair of this commission panel. We're also joined by Jane Anderson and Lindsey Blecher from the office of the Independent Planning Commission.

In the interests of openness and transparency, and to ensure the full capture of information, today's meeting is being recorded and a full transcript will be produced
10 and made available on the commission's website. This meeting is one part of the commission's consideration of the matter and will form one of several sources of information upon which the commission will base its advice. It is important for the commission to ask questions of attendees and to clarify issues whenever it is considered appropriate. If you're asked a question and are not in a position to
15 answer, please feel free to take the question on notice and provide any additional information in writing, which we will then put up on our website.

To ensure accuracy of the transcript I request all members here today introduce themselves before speaking for the first time and for all members to ensure they do
20 not speak over the top of each other. We will now begin. So, I guess, Andrew, you've got – you've got the agenda there, we'll just – maybe it's appropriate the Council give us a bit of an overview of this planning proposal.

MR A. KEARNS: Yes. Thank you for your time this morning. So my name's
25 Andrew Kearns. I'm the manager of Strategic Planning at – at Hawkesbury Council, and I guess we're dealing today with a – with a planning proposal that, you know, as planning proposals tend to over – over time, has – you know, has morphed since it was originally – originally lodged with Council, but – you know, which has always essentially been about amending the LEP provisions to permit rural – rural
30 residential development on the site. The planning proposal was subject to a rezoning review process where the Sydney Western City Planning Panel considered the matter and did identify a number of matters they considered required further attention as part of the ongoing processing of the planning proposal.

And, I guess, relevant to consideration today is those – those matters that the panel raised included merit in graduating an increase in lot – lot sizes as – as we moved away from the – the village of Kurmond, potential for larger lots along the south-west boundary as – as buffer, consideration of the – of the impact of – of subsequent development on the watercourses and riparian corridors, the impact of subsequent
40 development on – on existing native vegetation, and essentially demonstrating that the lots – you know, the proposed lots were essentially of a size that, you know, could accommodate dwellings and – and other improvements that, you know, didn't cause unacceptable impacts or – or, you know, limited the orderly development – you know, potential future development of – of – of the immediate precinct.

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So that subsequently led to a Gateway being issued by the Department of Planning, which required obviously consideration of the lot sizes and also assessment against the Sydney Region Plan and the Western City District Plan which had been released a few months earlier than that in – in March 2018. So subsequent to the Gateway
5 decision, there's been ongoing discussions with the Applicant in terms of the planning proposal in regard to lot sizes and the – the information required in order to – to address, I guess, particularly the Sydney Region Plan and the Western City District Plan and – and, relevantly, in – in respect of the Metropolitan Rural Area.

10 So we actually sort of hadn't reached a final agreement with the – with the Applicant in terms of the – the – the final approach in terms of lot sizes and – as part of that proposal, but also through the course of processing the – the planning proposal through the government agency consultation we – we had received, of particular note was that from – the response from Environment, Energy and Science, in terms of the
15 ecological assessment report for – for the matter. Those comments led to a further ecological assessment report being prepared by the Applicant, and Environment, Energy and Science have provided a further response to that amended report, which I understand is included in the package that's been provided to the – the commission by the Department of Planning.

20 During the processing of the planning proposal, Council's undertaken a series of – of strategies, all of which have had to consider the Sydney Region Plan and the Western City District Plan. So that's basically included our Local Strategic Planning Statement, our Local Housing Strategy, our Rural Lands Strategy, and also note that,
25 as detailed in the – in the – in the material, that Council had undertake – undertaken a landscape character study of the Kurmond Kurrajong Area, and also had undertaken a structure planning process in order to identify opportunities and – and constraints in the Kurmond Kurrajong Investigation Area, basically to identify suitable locations for – for rural residential development on a more strategic approach, as opposed to an
30 ad – ad hoc basis, you know, that's planning proposal process.

So I should note, though, that whilst Council did – in – in July 2018 did – did adopt a – apply the approach that's – that was detailed in the landscape character study with respect to the Structure Plan, Council resolved in February of this year to not adopt
35 the Structure Plan, but instead to – to process remaining planning proposals within the Kurmond Kurrajong Investigation Area basically against the – the interim development principles that were prepared in 2015 at the start of – of the structure planning process and also the – obviously the Sydney Region Plan and the District Plan. So essentially that's the overview of – of the matter - - -

40 MR WILSON: Can I just ask a question, Andrew, before – before you – sorry to talk over you, but just on that matter, is it – was it – was it – that resolution, I'm not quite sure – that resolution, does it mean that they used the – the strategic context then you used the development principles? How – how does it work? How – how
45 does that resolution work, in terms of, you know, I guess, considering the future of the – the remaining planning proposals?

MR KEARNS: So the – essentially, the – the interim development principles that were – were prepared in 2015 - - -

MR WILSON: I – I understand

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MR KEARNS: So – so they – yes, so we – we used those interim principles, and obviously we need to consider the – the – the state-led strategic framework, in terms of obviously the Region Plan and the District Plan. So not – so, whereas, our Structure Plan had, I guess, identified potential sites for lots of, say, 4,000 square metres and – and other – other lots of one hectare, so we're not using that Structure Plan to – to assess the – the remaining planning proposals, but obviously using a lot of the – the landscape character study which was adopted by Council previously in – in July 2018 to – to – to – in order to provide an assessment against the – the scenic qualities and character of the - - -

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MR WILSON:

MR KEARNS: Of the area. Yes. Yes.

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MR WILSON: Okay. So basically it's the MRA, scenic qualities and interim

MR KEARNS: That's correct. Yes.

MR WILSON: Yes.

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MR KEARNS: Yes.

MR WILSON: Okay. Excellent. Thank you very much.

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MR KEARNS: So, yes, that was – that was it, in terms of my – my overview of the – of – of where things are at. So I'm happy to sort of go into, I guess, thoughts in terms of strategic merit and – and site specific.

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MR WILSON: I think I – I think you – you drafted a letter back in was – I think it's in response to the review, and I think – I think it covers – most of your issues are in there. I – maybe we just talk to that if that's all right by you?

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MR KEARNS: Yes. Yes. So – yes, so – I guess in terms of strategic merit, so obviously we – you know, we consider the planning proposal as – as it is is – is inconsistent with the – with the Sydney Region Plan and District Plan on – I guess, particularly the Metropolitan Rural Area context, in that – you know, we think that the – the proposal has an adverse impact on the rural character and amenity of the area.

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Now, the 2,000 square metre lots are considered to be inconsistent with the, you know, existing open pastoral character. The 2,000 square metre lots, you know, are considered to be more urban in character than – than rural. The 2,000 square metre

lots are inconsistent with adjoining lots, so there are surrounding rural properties that it's considered a provision of 2,000 square metre lots would be inconsistent with. And the 2,000 square metre lots doesn't provide a transitional buffer between – between those lots and those larger adjoining – larger rural lots, which obviously, you know, can potentially lead to conflict type – land use conflict issues with – with a number of rural uses on those surrounding lots that – that could become a problem with – with closer settlement adjoining their – their direct boundary.

Also the – the removal of existing vegetation would have an impact on the pastoral character. The formality of the landscaping proposed is considered to – to add to more – more of an urbanised character as well. So we've also issues in terms of the environmental values of the locality and obviously the impacts of, you know – you know, significant vegetation on the site, and obviously the – the comments that, you know, were received from the Department of Planning sort of highlight, you know, those issues in terms of the assessment of that – had been undertaken in that regard.

Concerns obviously in terms of, you know, that significant vegetation isn't contained within – within one lot for protection, and that the 2,000 square metre lots, you know – you know, doesn't support the retention of areas of native vegetation on those lots. The proposal essentially relies on offsetting vegetation loss, rather than designing the – the development or proposal to protect and enhance biodiversity. And as sort of detailed, you know, in the – the responses from the state agency, that, you know, the ecological assessment report is – is unsatisfactory and it fails to recognise the vegetation on site as endangered ecological communities, the riparian – riparian areas have not been provided for or watercourses, and that the buffer plantings are inadequate in relation to the size or in providing adequate habitat or corridors.

And – and, finally, in terms of strategic merit issues, the loss and fragmentation of significant vegetation and the lack of management of all – all the watercourses, drainage lines that are present on the site results in a reduction of the environmental, social and economic values of the Metropolitan Rural Area.

MR WILSON: Okay

MR KEARNS: So that was it in terms of the - - -

MR WILSON: Yes.

MR KEARNS: The strategic merit. Happy to go on to the site specifics.

MR WILSON: Just wait for a minute if you don't mind.

MR KEARNS: Yes.

MR WILSON: I just want to try and - - -

MR KEARNS: Yes.

MR WILSON: - - - ascertain – I want to talk about this landscape character study, because that does now inform the decision making of this proposal; is that correct – from Council’s perspective?

5 MR KEARNS: Yes.

MR WILSON: Just – just in terms of the landscape character on the site, I get a bit confused about – I look – look at – there’s two – there’s two aspects, isn’t there – ridgeline streets and pastoral valleys; is that correct?

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MR KEARNS: Yes. There’s – there’s two – two distinct Landscape Character Areas. Yes.

MR WILSON: Just – when I look at the map in your letter it says biodiversity map is used:

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Kurmond and Kurrajong landscape character study identifies the pastoral character contributes to the scenic qualities of the area by virtue of lack of buildings.

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So is it – is it the argument that you look across the site and it’s – it’s pastoral and, therefore, it – it contributes heavily to its rural fabric or rural context; is that the argument?

MR KEARNS: Yes. The argument – so in terms of the Metropolitan Rural Area, obviously, you know, the – you know, it – you know, protection of scenic landscapes, so that’s – we’ve – we’ve undertaken that assessment of, I guess, you know, the values of that – of that scenic landscape and – and – and quantified that through the – the landscape character study. And essentially in this case it’s, yes, that – that pastoral – so looking down - - -

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MR WILSON: Okay. Yes.

MR KEARNS: - - - across the – the – a pastoral landscape. Yes.

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MR WILSON: Did the Structure Plan sort of recognise that initially anyway by – by suggesting smaller lots closer to the road and larger lots away from the road? Is that based on that or was it based on something else?

MR KEARNS: No. That’s – you know, obviously the – the Structure Plan was – was based on an assessment of a number of matters, so the – the opportunities and constraints. So looking at all the various constraints right across the investigation area, but also considering the landscape character study and where best to - - -

45 MR WILSON: Okay.

MR KEARNS: You know, if there are – if there is the potential for rural residential development that – that limits the impact on – on – on a number of matters, including the – the scenic – you know, the landscape scenic character, then identified where those – where those smaller lots could be. Yes.

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MR WILSON: Okay. Excellent. There was some debate – we and there was some debate about what was meant by graduation of lots. Now, I sort of had an understanding that maybe it was graduating from smaller lots around Kurmond to larger lots on the perimeter. That – that wasn't necessarily the view that

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MR KEARNS: Yes. So I guess – I mean, we – we're taking the – the – the panel's decision as – looking at the – you know, that – that closer settlement in around the – the town centre of Kurmond, as you like, and then graduating the lot sizes as you – as you move out to the edge of the Investigation Area, as it was. Yes.

15

MR WILSON: You mean the – the – the planning panel?

MR KEARNS: Yes. Yes. That's right.

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MR WILSON: Yes. Yes.

MR KEARNS: Yes. Yes.

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MR WILSON: So 2018 - - -

MR KEARNS: That's correct. Yes.

MR WILSON: - - - determination. Okay.

30

MR KEARNS: Yes.

MR WILSON: All right. They – the Applicant basically says they're consistent with the – the findings of the panel. In terms of larger – larger – I'm not quite sure – what's Council's view on that? I understand in your letter you said there was still some inconsistencies with what was required by the planning panel.

35

MR KEARNS: So I guess our views are that currently the – the proposed, you know, concept – development concept layout, we still have issues in terms of the proposed lot sizes – that the 2,000 square metres isn't – isn't appropriate. You know, it doesn't provide that graduation of – of lot sizes away from the township of Kurmond. It does, I guess, have those – those issues in terms of the landscape character and also those potential issues with – with – with lots that aren't of a larger size, you know, that adjoin the – you know, the adjoining – the adjoining rural – larger rural lots. Yes.

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MR WILSON: Sure. Okay. The – I mean, there’s been – there’s been relative consistency in terms of since 2018. Council never made a – a determination or – or a resolution on

5 MR KEARNS: That’s correct. So this – this matter’s never actually formally been in front of Council, so the original rezoning review was – was a result of the Applicant - - -

MR WILSON:

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MR KEARNS: Council having not passed a resolution to – to submit the application for – for Gateway. Yes.

15 MR WILSON: And the reason it was was because there was these other studies that were occurring in the background; is that correct – potential studies?

MR KEARNS: There was – yes, the studies underway, but I guess in terms of the proposal there was at that stage. So the proposal had involved lots down to 1,000 square metres, and that - - -

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MR WILSON: Right.

MR KEARNS: And that’s what the – the Western Sydney Planning Panel considered, and that’s what they – they provided their advice based on.

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MR WILSON: Right. Okay. Council raised the – sorry, the Applicant raised the issue of – that 88Bs were an appropriate mechanism for conservation and preserving land’s ecological values, EES said otherwise. What’s Council’s view on that?

30 MR KEARNS: I guess, you know, where there’s – you know, through the planning proposal process, you know, this is – this is the time to really – to look at these things on a more, you know, strategic approach, rather than relying on, you know, instruments such as 88B. You know, you’ve really got the opportunity to design a development that – that takes into account all the – all the constraints on the site and
35 all the considerations. So, you know, we’re of the view that, you know, it should be done at – at this stage rather than relying on the 88B approach.

MR WILSON: Okay. So in terms of the Department’s recommendation – Council are comfortable with the Department’s recommendation in terms of the – what is it –
40 the one hectare minimum – oh, they’ve suggested that as a – as a minimum; is that what you said? What’s Council’s view?

MR KEARNS: Yes. So as – as in our – detailed in our response to the Department when the – when the review was – was lodged, yes, we’re comfortable with the
45 Department’s position in that regard, and that, you know, need – need to address obviously the – you know, the Region Plan, District Plan, and that Metropolitan Rural Area context as well.

MR WILSON: Okay. The Applicant suggests that the MRA supports – oh, sorry – the Western District Plan and the principles underlying for the Metropolitan Rural Area support rural residential development and that this constitutes organic growth. Do you have a view on that?

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MR KEARNS: So obviously Council's various strategies – I guess, particularly our Housing Strategy and – and Rural Lands Strategy sort of identifying that in terms of housing we're not – we're not essentially looking at, you know – you know, rural residential development in order to meet our – our particular housing targets, and that, you know, if there is any development in and around our other rural villages, it's – it's – it's more that organic low – low rate of growth. We – we probably view this one – proposal as – as being inconsistent in that regard, and that's, I guess, also reinforced by our Rural Lands Strategy again, which is sort of highlighting the issues of rural residential development in – in rural land, and that, you know, the settlement hierarchy is, I guess, you know, focussing in on – on that smaller level of – of organic growth around our town centres – you know, those rural town centres. Yes.

MR WILSON: Yes. Okay. And did you – are you aware of the Department's – you've read the Department's review report in relation - - -

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MR KEARNS: Yes.

MR WILSON: - - - to their views on organic growth and

MR KEARNS: Yes. Yes.

MR WILSON: Yes.

MR KEARNS: And we're – yes, we're supportive of that. Yes.

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MR WILSON: Yes. Okay. Look, I don't have any more questions. Lindsey, Jane, do you have any questions?

MR L. BLECHER: Nothing from me. Thank you.

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MR WILSON: Jane?

MS J. ANDERSON: Me either. Thanks, Chris.

MR WILSON: Okay. Andrew, look, I really appreciate your time today. Thank you very much. And, yes, if there's anything else, we'll – we'll be in touch at that stage.

MR KEARNS: Okay.

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MR WILSON: Appreciate your time - - -

MR KEARNS: All right. Thank you.

MR WILSON: Okay.

5 MR KEARNS: Goodbye.

MR WILSON: Thanks, Colleen.

10 MS ANDERSON: Thanks, Andrew. Thanks, Colleen.

MR BLECHER: Thanks.

MR KEARNS: Yes. Thank you. See you.

15 MR WILSON: Bye.

MEETING CONCLUDED

[1.30 pm]