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TRANSCRIPT OF PROCEEDINGS

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INDEPENDENT PLANNING COMMISSION

MEETING WITH HAWKESBURY CITY COUNCIL

RE: 42 BELLS LANE KURMOND

PANEL: ANNELOISE TUOR (CHAIR)

OFFICE OF THE IPC: LINDSEY BLECHER
JANE ANDERSON

COUNCIL: COLLEEN HARON
ANDREW KEARNS

LOCATION: ONLINE

DATE: 1.02 PM, THURSDAY, 5 NOVEMBER 2020

THIS PROCEEDING WAS CONDUCTED BY VIDEO CONFERENCE

MS A. TUOR: All right. Well, good afternoon and welcome. Before we begin, I'd
5 like to acknowledge the traditional owners of the land on which we meet. And I
would also like to pay my respects to their elders past, present and emerging.
Welcome to the meeting today to discuss the Gateway Determination Review for 42
Bells Lane, Kurmond. My name is Annelise Tuor. I am the commissioner appointed
10 to this review. Joining me from the Office of the Commission are Lindsey Blecher
and Jane Anderson.

In the interests of openness and transparency and to ensure the full capture of
information, today's meeting is being recorded and a complete transcript will be
15 produced and made available on the Commission's website. This meeting is one part
of the Commission's review process. It is taking place at the preliminary stage of
this process and will form one of several sources of information upon which the
Commission will make its advice.

It is important for the commissioners or – for the Commission to ask questions of
20 attendees and to clarify issue whenever I consider it is appropriate. If you are asked
a question and are not in a position to 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 the accuracy of the transcript, I request that all members
today introduce themselves before speaking, every time they wish to speak, and for
25 all members to ensure that they do not speak over the top of each other. So we'll
now begin. So the agenda has item 1 being an opening statement from me, and then
item 2 being a presentation from the applicants – from the council on the strategic
and site specific merit test. So, essentially, if you can just give a brief overview of
what your response is to the review application.

30 MR A. KEARNS: Okay. So, yes, I'm Andrew Kearns. I manage strategic planning
at Hawkesbury City Council. So I thought I'd just give a bit of context in terms of
this matter. So from 2012 to 2013, council had started to receive a number of
individual planning proposals in the vicinity of Kurmond and Kurrajong. They were
35 two of the numerous rural villages within the Hawkesbury LDA. The number of
individual planning proposals ultimately reached 25 and that typically involved lots
of around 4000 square metres. Council, in 2011, adopted the Residential Land
Strategy, and whilst the Kurmond Kurrajong area wasn't identified as an
investigation area within the Residential Land Strategy due to the fact that council
40 had received increasing of individual proposals, council resolved to commence a
structure planning process around 2013 and 2014.

Now, trying to balance undertaking the strategic planning and structure planning
process whilst assessing such a large number of individual planning proposals proved
45 quite a challenge for council. And in order to guide the assessment of those
individual proposals, there was a set of interim principles that were arrived at to –

now, to guide an assessment of those proposals. And that, basically, included, you know, consideration of a number of elements that was basically – included, you know, ensuring that essential services were, you know, were able to – readily able to be provided, building envelopes and asset protection zones, driveways and roads had to be located on slopes of less than 15 per cent, the removal of significant vegetation had to be avoided, and fragmentation of significant vegetation was minimised as well. Building envelopes, asset protection zones, driveways and roads were also not – were also to be located outside of corridors, and we had to ensure that those roads and crossings of water courses was minimised and that removal of dams containing significant aquatic habitat was avoided. So they were the interim principles that the council adopted to guide assessment of those individual proposals whilst the structure planning process was ongoing.

So that structure planning process did continue, and it did involve a number of studies to inform that structure plan, that included constraints analysis of the investigation area, a Landscape Character Study, and an ecological biodiversity mapping. Now, in terms of the Landscape Character Study and particularly relevant for this matter is the council appointed Cloutson's to undertake that character study, basically, to, you know, determine what aspects of fruit scapes, landscapes and buildings positively contributed to the – to making the area identifiable and unique, and also to, you know, provide some recommendations for appropriate locations, typical lot sizes, and desire built form character for future development within the investigation area.

So the Landscape Character Study identified four landscape character types across the investigation area, so that included rural villages, ridgeline streets which is primarily the Bells Line of Road and Old Bells Line of Road corridor, the pastoral valleys, and the remnant vegetation. Now, the landscape character type that's relevant to this particular planning proposal is the pastoral valleys. And that was really a character area that, sort of, typified and defined by lightly sloping open pastures with scattered trees over, you know, a generally sloping terrain, essentially. The significant areas of land had been cleared previous for grazing or agricultural uses in the past, and that there were properties dotted in amongst the hills and valleys within that landscape element. So that was the Landscape Character Study. So those studies basically informed the preparation of the draft Structure Plan, as obviously did the release of the Sydney Region Plan and Western Sydney District Plan in March 2018.

Now, the proposal itself had actually been lodged with council prior to the Region and District Plan coming into effect. And I think it would be fair say that the fact that the metropolitan rural area context was an emerging issue and council's understanding of that through that process. So based on an assessment of the planning proposal against council's Landscape Character Study and the draft Structure Plan, there was a report prepared to council in September of 2019, and that basically – the report highlighted that the, you know – from an officer's perspective, the planning proposal was considered to be inconsistent with the recommendations of the character study and the draft Structure Plan, particularly in regard to the

protection of the pastoral character of the locality and the, you know, significant views and vista corridors in which the subject type was situated. For those reasons, the report actually recommended that the planning proposal be amended from the proposed minimum lot size of 4000 square metres to a minimum lot size of one hectare.

In addition, the report highlighted that the, you know, proposal, you know, from an officer's perspective, didn't meet the requirements of council's adopted interim constraint principles, particular in regard to access and to slope, and that the planning proposal hadn't provided sufficient studies or, you know, appropriate studies to demonstrate at those – it's consistency with those interim principles.

Council considered the officer's report at that ordinary meeting on – in September of 2019, and council actually resolved to support the applicant's proposal of the 4000 square metres lots which was subject to various studies that were identified. So subject to receipt of studies regarding environmental design and site capability assessment, bushfire assessment, flora and fauna assessment, traffic impact assessment, wastewater feasibility assessment, and infrastructure requirements, and funding assessment. So, I guess, essentially, we're in a position as officers, that the resolve position of council is slightly different to our recommendation, and, I guess, we're particularly mindful of those we talk to this afternoon.

The latest position in regard to strategic contexts is the council has considered a post-exhibition report in regard to the draft Structure Plan in June of this year. It resolves, after considering to defer consideration of that Structure Plan until the completion of council's Local Strategic Planning Statement, council's Local Housing Strategy, and our Rural Land Strategy. Now, in terms of updates and those various documents, the Local Strategic Planning Statement is nearing completion. The Local Housing Strategy has been publicly exhibited, and our Rural Land Strategy is to be reported to council to seek endorsement to exhibit that shortly.

Our Local Housing Strategy, is basically, sort of, highlighting that our – we have five year housing target of 1150 dwellings and a target to 2036 of 4000 dwellings all up. It's highlighting that new growth which should be centred around the growth corridor, so, essentially, the northwest growth area which should maximise our existing urban areas which have access to services, facilities and transport, and that there's incremental growth in the rural villages that maintains the local character and environmental considerations. So, essentially, we're – it's saying that we don't need rural residential development to meet our housing targets in our Local Housing Strategy.

In terms of our Rural Land Strategy, the draft Rural Land Strategy, it's, sort of, really highlighting the value of agricultural to the Hawkesbury, but also wider to Sydney and to New South Wales and actually on Australia wide in terms of number of elements of our rural produce. And it's really highlighting that, you know, increasing rural residential development is – you know, is causing conflicts and issues for – you know, for the continuation of that agricultural produce. Obviously,

all three of our documents have to be – have to reflect the New South Wales state planning frameworks and particularly the Region and District Plans, so they’ve all reflected that. And that’s, probably, where I’d like to leave my address, yes.

5 MS TUOR: Thank you. That was very, very comprehensive and helpful in a few gaps. So just on the current status, you went very quickly, so the Rural Land Strategy, that hasn’t been publicly exhibited yet, but it’s going to council to get a resolution for it to be publicly exhibited.

10 MR KEARNS: That’s correct. Yes. We’re looking to report that to council prior to the end of this year, to exhibit that draft.

MS TUOR: And the Housing Strategy has been exhibited and has – the results of the exhibition period have been reported back to council.

15 MR KEARNS: Yes. Sorry. Yes, it has been exhibited and we’re yet to report the outcome to council. Yes. So we did – have received a number of submissions that we’re working our way through on that. Yes.

20 MS TUOR: And the Local Strategic Planning Strategy, that’s nearly completed, and so, obviously, hasn’t been exhibited yet.

MR KEARNS: It has been exhibited previously, and it’s – we’re actually taking it to council on the 10th of November to seek council’s endorsement to submit it to the
25 Greater Sydney Commission for assurance purposes.

MS TUOR: And does it say anything about this area at all?

MR KEARNS: So it’s, obviously, particularly mindful of the metropolitan rural
30 area context, and, obviously, the MRA context is highlights, but rural residential development, you know, isn’t generally supported within the metropolitan rural area. We’ve obviously been able to include within our draft Local Strategic Planning Statements information and direction as much as possible from our draft strategies, particularly our Housing Strategy, so, I guess, highlight that, you know, to meet our
35 housing targets, you know, we don’t need rural residential development to satisfy housing requirements.

MS TUOR: All right. So in terms of the applicant’s review information, that’s supporting their review application, part of what they state is that the planning
40 proposal, which I understand is dated 2016, is consistent with the strategic framework that existed then, and is still the current strategic framework, and it will be consistent with the future strategic framework. And it relies, to some extent, quite heavily on what they say is that the – even though it’s zoned agricultural, it and around – and the sites surrounding it, are not used for agricultural purposes, and that
45 there’s a land use conflict between using this land and other lands in close proximity to the village for agricultural purposes, and that by allowing it to be used for rural living, it will, even if it’s not about increasing density, it’s satisfying a demand for

those sorts of different types of housing. So it's meeting a housing – the demand for different types of housing as opposed to just increasing densities; so have you got any comments on that?

5 MR KEARNS: I guess, I would highlight the, you know – the District Planning Proposal was originally lodged, the Strategic Planning Framework has changed. Obviously, considerably, when the Sydney Region Plan and the Western Sydney District Plan were – was released in March of 2018. And there's, obviously, you know, the metropolitan rural area context is a key consideration in that regard, so, I
10 guess, really highlighting that – you know, the unique characteristics of the towns and villages within the metropolitan rural area, protection of that rural character, and, really, essentially, only looking at incremental growth to those existing villages was really what council should be planning for.

15 In terms of the proposal itself, as officers, you know, obviously, we've – you know, our draft Structure Planning Process is continued and, obviously, largely informed by that character study. And from an officer's perspective, we consider that, yes, we thought that it probably could be capable of allowing some degree of development over and above what the current planning provisions were, but it wasn't to the extent
20 that they had applied for. So they're essentially looking at five lots of 4000 square metre minimum lot size based on where our draft Structure Plan and Landscape Character Study that arrived at, we were looking at around a minimum lot size of one hectare, which over that particular site, we're probably looking at around two lots as being the, you know, the type of development that would be, you know – from my
25 perspective, would be appropriate.

MS TUOR: And just in terms of whether the land and the surrounding area is used for agricultural purposes, is that the case or is it more the rural character as opposed to actually having farming occurring on it?

30 MR KEARNS: Yes. So it's primarily the rural character is the issue. A part of our draft Rural Land Strategy, we have – we did ask that particular consultant to look closely at that area, and they, sort of, highlighted that there really are no agricultural uses within that – within the investigation area, but it is obviously zones and has
35 potential to be used for agricultural uses, but over time, has more transitioned to the rural living type of environment.

MS TUOR: All right. You may have covered this, but just in terms of – the next item on the agenda is about the level of detail in the proposal, so do you have any
40 comments to just talk about – in relation to the level of detail?

MR BLECHER:

45 MR KEARNS: With planning proposals, it's obviously a balance in, you know, in terms of the type of information and reports that you get versus, you know, just on the strategic and site specific merits. And so this particular proposal, there were a number of elements that were missing for us, I guess, in terms of the proposal that

was received. So, you know, there are a number of things that, you know, reports that could have been provided to, I guess, considering in further detail the actual proposal. So it obviously included, you know, the environmental design and the site capacity, the bushfire assessment, flora and fauna assessment, traffic impact
5 assessment, wastewater feasibility assessment, and infrastructure requirements and funding assessment. So the report would have consideration in respect of the matter. Yes.

10 MS TUOR: Right. And then the next item is on merits of the proposed lot size, which, again, you've discussed a bit, but at the moment, the lot size for the area is 10 hectares and that's what's the surrounding area, and then I think further to the north, it's the four zone, and that's the four hectare minimum lot size. So on what basis does it go down? Do you say that it could go down to a one hectare lot size?

15 MR KEARNS: So that's basically on the basis of our draft Structure Plan and consideration of the Landscape Character Study that informed that draft Structure Plan. So, I guess, we were tasked by council to look at the Kurmond Kurrajong investigation area, to look at, you know, the capability and feasibility of that land, having a smaller lot size, and that was the outcome of that particular process. So, I
20 guess, particularly highlighting the landscape character elements was what largely drew us towards the one hectare minimum lot size in that pastoral landscape.

MS TUOR: So using a crystal ball, given that the Housing Strategy and the Rural Land Strategy isn't necessarily having changes to this area as being something that
25 they're concentrating on, if you're doing a new LEP for the area, would you – is it something that you'd be considering in terms of changing the zoning to be a large lot subdivision zoning with a different map size?

MR KEARNS: In reality, I don't think it would be. It's something that was, sort of,
30 borne out of – the process was borne out of the receipt of a number of individual planning proposals and, obviously, the preference is, you know, it's always a better outcome for more strategic, you know, base planning, rather than being led by individual planning proposals. So, I guess, there was a, you know, degree of a legacy matter for council in terms of dealing with those individual planning
35 proposals. But, I guess, particularly in terms of what our draft Housing Strategy is saying, in terms of the housing needs and what we've got capability of providing and, I guess, particularly highlighting the numerous constraints that do exist in the Hawkesbury LGA, I would envisage that a – you know, that a structure planning process for this area would have come out of that process. Yes.

40 MS TUOR: Okay. And you mentioned before that there was something like 25 individual planning proposals, have most of those been dealt with or - - -

MR KEARNS: Yes. Most of them have either been finalised, withdrawn, or
45 refused. There's currently seven that are still outstanding, so four of those are pre-Gateway and three are post-Gateway.

MS TUOR: Okay. And the ones that you said are finalised, did many go ahead or mostly were they withdrawn?

5 MR KEARNS: Yes. So a number did proceed. And all up, out of those planning proposals and the remaining planning proposals, it's in the order of an additional 200 lots that have been provided – well, you know, potentially provided for across the investigation area through those, you know, proposals. Yes.

10 MS TUOR: So when I look at your minimum lot size map, those planning proposals would be incorporated into that, would they?

MR KEARNS: The ones that have been finalised - - -

15 MS TUOR: When you look at it, there's just a bit of a spot thing where you - - -

MR KEARNS: Yes. That's right. Yes. Yes. So, yes, you would be able to see the individual proposals that have been finalised and the minimum lot size has changed. Yes.

20 MS TUOR: And was it mostly just minimum lot size? You didn't actually change the zoning.

25 MR KEARNS: No. So it was just the lot size provisions that were changed. In some instances, a lot – an overall lot yield from that was produced, you know, to highlight the maximum number of lots that could be provided within that, but there was no change to the zoning.

30 MS TUOR: So there's no conflict when you actually deal with DAs as to how you achieve the objectives of that - - -

MR KEARNS: No. The – yes, there is conflict, and that is an issue, and that's essentially why our draft Structure Plan did consider the zoning of the investigation area. And we actually had a recommendation in the draft Structure Plan to actually zone to environmental living.

35 MS TUOR: All right. Well, the next item is additional questions from the Commission, but I've been asking them all along, so I don't know if there's any additional questions, but I might just check with Lindsey if he's got any questions?

40 MR BLECHER: Nothing here. I'm fine. Thanks.

MS TUOR: All right. Jane, did you have any questions?

45 MS J. ANDERSON: Nothing from me, Annelise. Thanks.

MS TUOR: All right. Have you got any questions of us, Andrew?

MR KEARNS: No. I guess, probably, essentially, just, I guess, process and timing is probably our interest. Yes.

5 MS TUOR: Well, I think we've got a due date which is the – towards the end of the month; is that right, Lindsey?

MR BLECHER: The 23rd of November, I believe is the final cutoff date.

10 MS TUOR: Yes. Yes. But we're obviously just planning to do it as quickly as possible. We've got meetings with the applicant and the Department tomorrow, so, yes, we'll just try and deal with it and once we've heard from everyone, as quickly as we possibly can - - -

15 MR KEARNS: Okay.

MS TUOR: - - - by the due date.

MR KEARNS: Okay. Very good. Thank you.

20 MS TUOR: All right. Well, if there's no further questions for anyone, well, thank you very much for your time.

MR KEARNS: No. Thank you. Good afternoon.

25 MS ANDERSON: Thank you.

MR BLECHER: Thanks. Bye.

30 MS C. HARON: Thank you.

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[1.27 pm]