



Proposed McGraths Hill motel development knockback prompts litigation

Description

Those driving down Windsor Road from Windsor will be familiar with the former but beloved [Millers Nursery](#) (a.k.a Windsor Garden Centre) on the left hand side on the corner of McGrath Road at McGraths Hill.



Opened by Ross and Lynette Miller in 1969, and carried on by daughter Bec it was a stalwart local business for 47 years. I remember it as a cosy and personal ramble – a place with nooks, and curios,

and proper service. Not at all like the bland 'big box' nurseries that prevail now. Ross was active in Windsor Rotary for many years. Sadly, the business closed and the property sold in July 2016. The site has lain empty and sad ever since.





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I mention this today because the fate of this site reveals in microcosm two things: The first is how Hawkesbury Council still has a long way to go to be a responsive, efficient public body that meets deadlines and applies our planning codes consistently. The second is how planning laws imposed by the State Government have disconnected the community from knowing much about, or having much say in Development Applications.

In 2017, the NSW Government instituted [Planning Panels](#) to determine DA's, removing the decision-making powers of elected Councils across Sydney. Planning Panels consist of unelected appointees who may have subject expertise in planning, but who are not democratically accountable to you, the

citizen and voter. I and many other Councillors, including some Liberals were opposed to Planning Panels, and I've spoken at length about them before, [including with 2GB's Ray Hadley](#).

A series of DA's have been lodged for the old nursery site to become a motel development. A pre-lodgement meeting held with Council in February 2018 indicated a desire to build a \$10.8 Million, [130 bedroom](#) motel.

[DA0235/18](#) was lodged in May 2018 proposing a 94 room motel.

A decision on this proposal now sat with the [Sydney West Planning Panel](#), with Hawkesbury Council staff writing a report with a recommendation for or against.

Council's report to the Planning Panel did not arrive until September 2019, over a year later. This kind of delay is itself an issue for me. Such determinations should not take so long. In October 2019 that application [was knocked back](#), for a variety of reasons including the ability of the McGraths Hill sewerage treatment plant to cope with the load the development would place on it.

The applicants then came back with a new proposal for an 80 room motel under [DA #0130/20](#), lodged on 13th May 2020.

I suspect not many people, even residents of McGraths Hill, knew much about any of these proposals.

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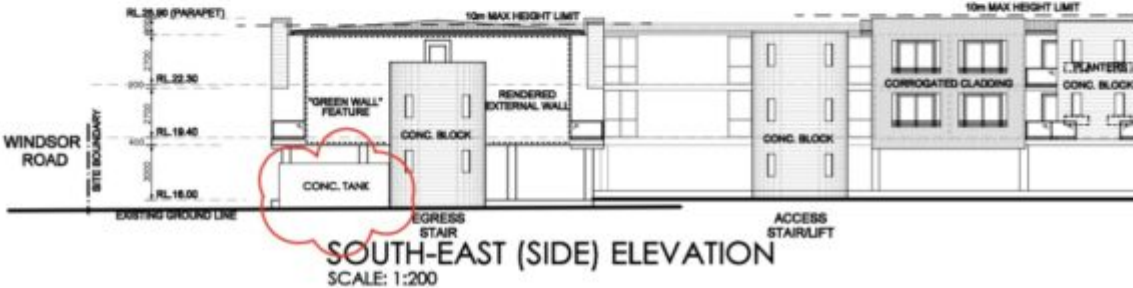




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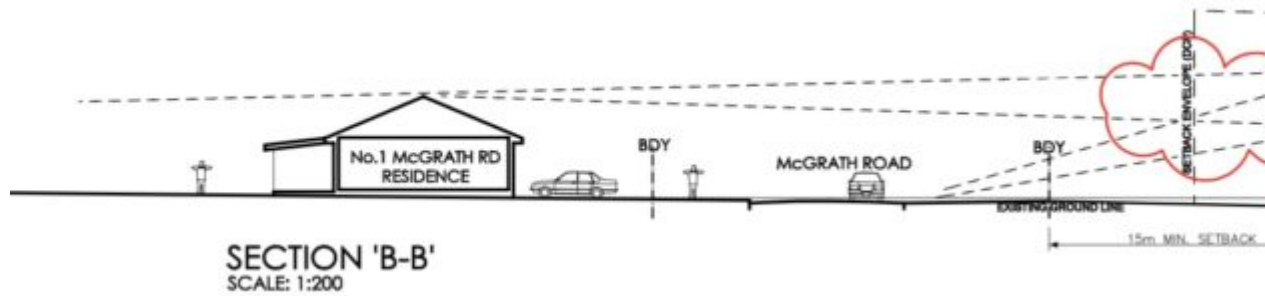
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76 days later, on 28/7/2020 the applicant made an application to the Land and Environment Court (case #2020/00226591) to litigate the DA on the basis of an assumed “deemed refusal”, which means that the DA was not finalised or determined either way within the prescribed assessment period (which can be either [40 or 60 days](#)).

Recently, on 31/5/2021 the application was withdrawn and a request for a refund of DA fees made, but only because this litigation was, and remains pending. A hearing may not occur until September.

In their letter withdrawing the DA, the applicants offered this stinging commentary to Council:

“It is with disappointment that we note that a lack of transparency from Council in relation to Council’s sewerage capacity issues and a lack of response from Council officers (who are too busy) in relation to the proposed on-site waste water system – which have prevented us assisting to achieve a satisfactory resolution of this development proposal.”

I offer no commentary on the merits of the proposal, except to note that all applicants to Council are entitled to prompt and professional service within “best practice” assessment timeframes. If they didn’t get it, I’d want to know why.

But my broader point is that, when decisions that shape the character of our neighbourhoods are taken away entirely from your elected Councillors and given to planning panels, the community ends up poorly informed (did you know about this?), and decisions are taken that you can’t require anyone to be accountable for, and that’s not good enough.

Category

1. Uncategorized

Tags

1. Development
2. Planning panels
3. Hawkesbury Council
4. Hawkesbury City
5. McGraths Hill

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councill

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