



Hawkesbury Local Planning Panel Meeting

Date of meeting: 18 August 2022
Location: By Audio-Visual Link
Time: 10:00 a.m.

BUSINESS PAPER

HAWKESBURY LOCAL PLANNING PANEL MEETING

Table of Contents

Meeting Date: 18 August 2022

TABLE OF CONTENTS

ITEM	SUBJECT	PAGE
SECTION 1 – Reports for Advice		5
Item: 008	CP - LEP002/22 4 Hall Street, Pitt Town - to amend the Hawkesbury LEP 2012 Zoning Map from SP2 Infrastructure to R5 Large Lot Residential - (95498, 137333)	5
Item: 009	CP - LEP001/22 30A, 30B, 30C and 34 Mitchell Road, Pitt Town to amend the Hawkesbury LEP 2012 to reduce the Minimum Lot Size provisions for the subject site from 2,500m ² to 1,000m ² - (95498, 137333)	33
Item: 010	CP - S960020/22 (DA0332/16) - Lot 2 DP 607906, 396 Bells Line of Road, Kurmond - (95498, 137333, 76639)	63

HAWKESBURY LOCAL PLANNING PANEL MEETING

Table of Contents

Meeting Date: 18 August 2022

Hawkesbury
Local Planning
Panel

Section **1**

Reports
for advice

HAWKESBURY LOCAL PLANNING PANEL MEETING

SECTION 1 – Reports for Advice

Meeting Date: 18 August 2022

HAWKESBURY LOCAL PLANNING PANEL MEETING

SECTION 1 – Reports for Advice

Meeting Date: 18 August 2022

SECTION 1 – Reports for Advice

Item: 008 CP - LEP002/22 4 Hall Street, Pitt Town - to amend the Hawkesbury LEP 2012 Zoning Map from SP2 Infrastructure to R5 Large Lot Residential - (95498, 137333)

Directorate: City Planning

PLANNING PROPOSAL INFORMATION

File Number: LEP002/22
Property Address: 4 Hall Street, Pitt Town
Applicant: Planning Direction Pty Ltd
Owner: Sydney Water
Date Received: 01 July 2022
Current Minimum Lot Size: No Minimum lot Size
Proposed Minimum Lot Size: 4,000m²
Current Zone: SP2 – Infrastructure (Water Supply System)
Site Area: 3,603m²

Key Issues:

- ◆ Rezone site from SP2 – Infrastructure (Water Supply System), to R5 - Large Lot Residential
- ◆ Introduce and apply associated controls with rezoning; 4,000m² minimum lot size and 10m height restriction
- ◆ Access to Sewer Connection.

RECOMMENDATION:

That the Hawkesbury Local Planning Panel provide advice on the planning proposal seeking to amend the Hawkesbury Local Environment Plan 2012 to rezone the subject site from SP2 – Infrastructure (Water Supply System) to R5 – Large Lot Residential.

Purpose of the Report

The purpose of this report is to inform the Hawkesbury Local Planning Panel that an applicant initiated planning proposal for 4 Hall Street, Pitt Town has been received by council.

The planning proposal seeks to amend the Hawkesbury Local Environment Plan 2012 Zoning Map by rezoning the subject site from SP2 Infrastructure (Water Supply System) to R5 Large Lot Residential.

Additionally, the planning proposal aims to introduce associated planning controls to the rezoning by amending the Hawkesbury Local Environment Plan 2012 to include a minimum lot size of 4,000m² under the Lot Size Map, and a building height limit of 10m under the Height of Building Map.

Background/Subject Site

The subject site at 4 Hall Street, Pitt Town is owned by Sydney Water, and is currently zoned SP2 Infrastructure – Water Supply System. A steel reservoir was located on the north-eastern portion of the subject site which has now been removed. The subject site is surplus to Sydney Water needs, and servicing requirements. As such, Sydney Water intends to dispose of the asset. To facilitate the disposal of the subject site, Sydney Water are seeking to rezone the subject site for residential purposes by rezoning the subject site to R5 Large Lot Residential.

HAWKESBURY LOCAL PLANNING PANEL MEETING

SECTION 1 – Reports for Advice

Meeting Date: 18 August 2022

Objectives and provisions of the Planning Proposal

The objective of the planning proposal is to amend the provisions of the Hawkesbury Local Environmental Plan 2012 to facilitate residential development on the subject site.

The objective of the planning proposal will be achieved by:

- Amending the Hawkesbury LEP 2012 Zoning Map to rezone the site from SP2 Infrastructure to R5 Large Lot Residential.
- Amending the Hawkesbury LEP 2012 Minimum Lot size Map to include a minimum lot size of 4,000m² applying to the subject site (consistent with the adjoining sites).
- Amending the Height of Buildings Map to include the subject site with a maximum building height of 10m (consistent with the adjoining sites).

A copy of the planning proposal is included as Attachment 1.

Planning Controls

Table 1: Existing Planning Controls for the Subject Site

Zone	SP2 Infrastructure (Water Supply System)
Minimum Lot Size	No provision
Height of Buildings	No provision
Acid Sulphate Soil	Class 5 – Acid Sulphate Soil
Flood	Not affected in 1 in 100 ARI but partly affected in Probable Maximum Flood
Biodiversity	Not affected
Sewer Scheme	Not connected to any sewer system
Sydney Water	Connected to Sydney water supply
Heritage	The subject site is located within the Pitt Town Heritage Conservation Area. Immediately adjacent to the subject site is Heritage Item I297- “ Cleary’s House”, 14-18 Hall Street, Pitt Town.
Bushfire Prone Land	The subject site is mostly clear of bushfire affectation, except for the western corner which is vegetation category 2.

HAWKESBURY LOCAL PLANNING PANEL MEETING

SECTION 1 – Reports for Advice

Meeting Date: 18 August 2022

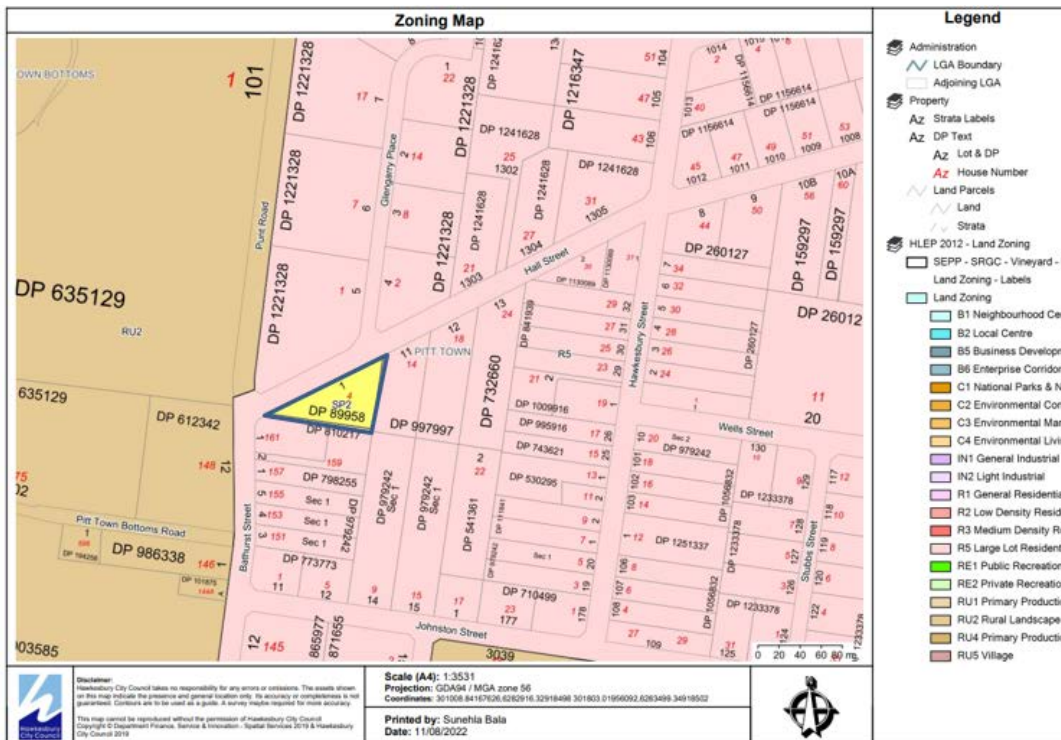


Figure 1 – Zoning
 Source: Hawkesbury IntraMaps

The subject site is currently zoned SP2 Infrastructure – Water Supply System. The water supply purpose of the subject site is now no longer required by Sydney Water.

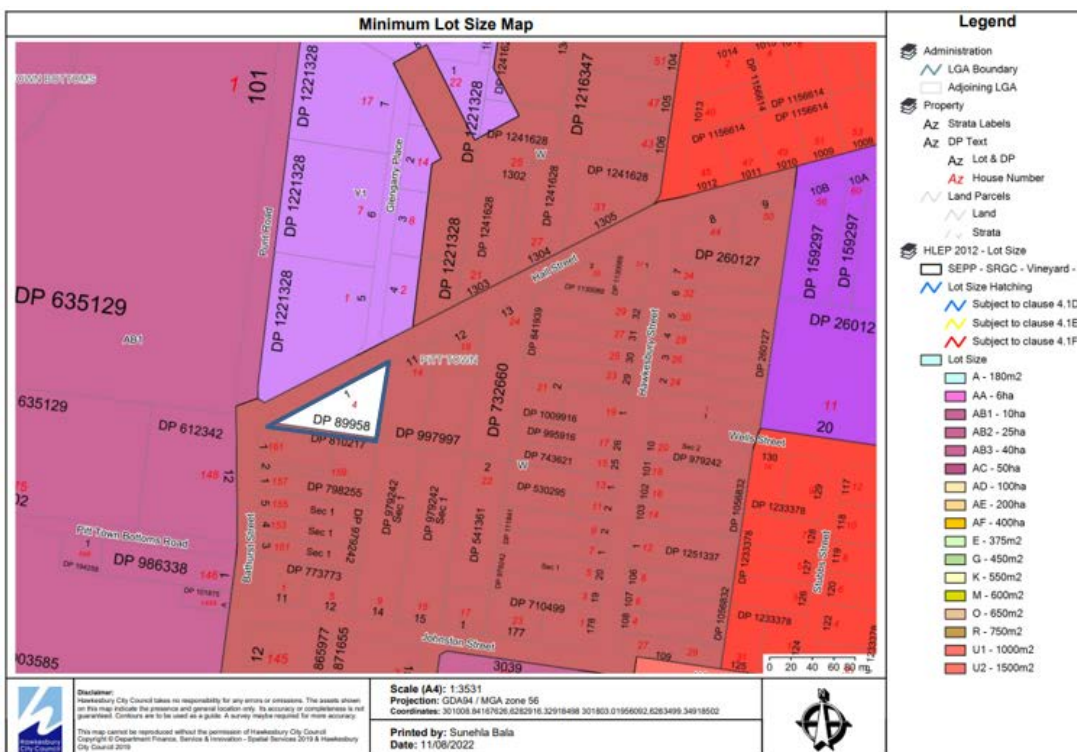


Figure 2 – Minimum Lot Size
 Source: Hawkesbury IntraMaps

HAWKESBURY LOCAL PLANNING PANEL MEETING

SECTION 1 – Reports for Advice

Meeting Date: 18 August 2022

The subject site currently has no Height of Buildings provisions.

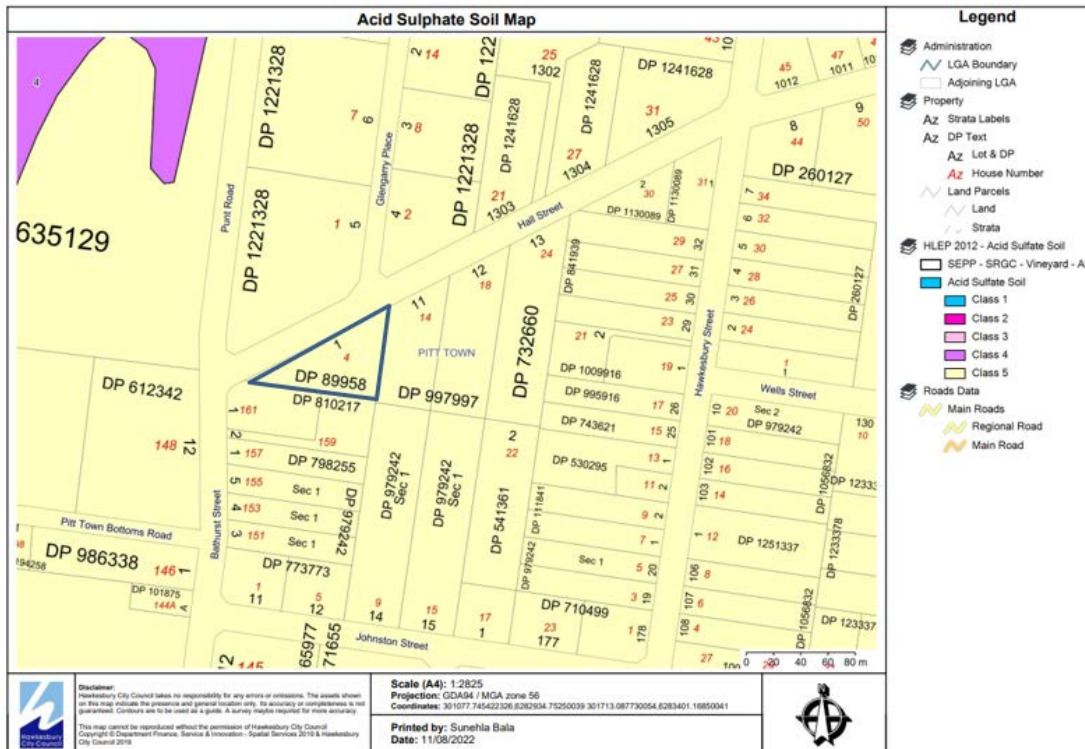


Figure 3 – Acid Sulphate Soils
 Source: Hawkesbury IntraMaps

The subject site is affected by Class 5 Acid Sulphate Soil. This class is not considered to have any significant impact on the environment or on any future development of the subject site.

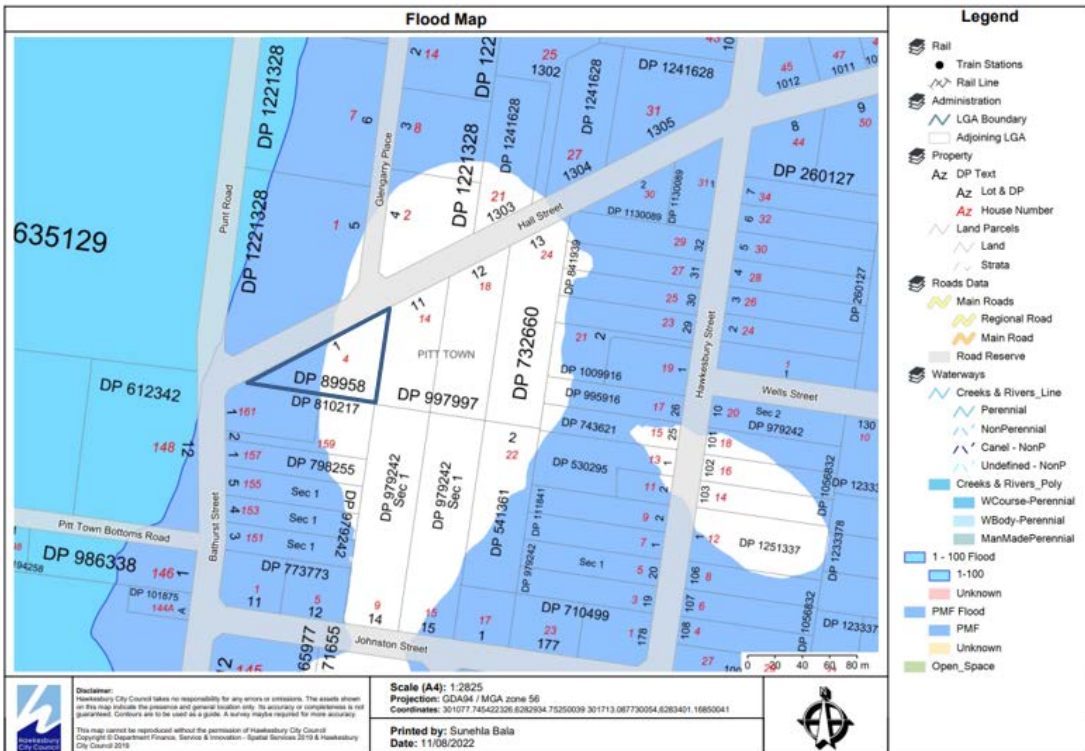


Figure 4 Flood Extents (1:100 and Probable Maximum Flood)
 Source: Hawkesbury IntraMaps

HAWKESBURY LOCAL PLANNING PANEL MEETING

SECTION 1 – Reports for Advice

Meeting Date: 18 August 2022

The subject site is not affected by 1 in 100 ARI, however, is partly inundated in a Probable Maximum Flood event.

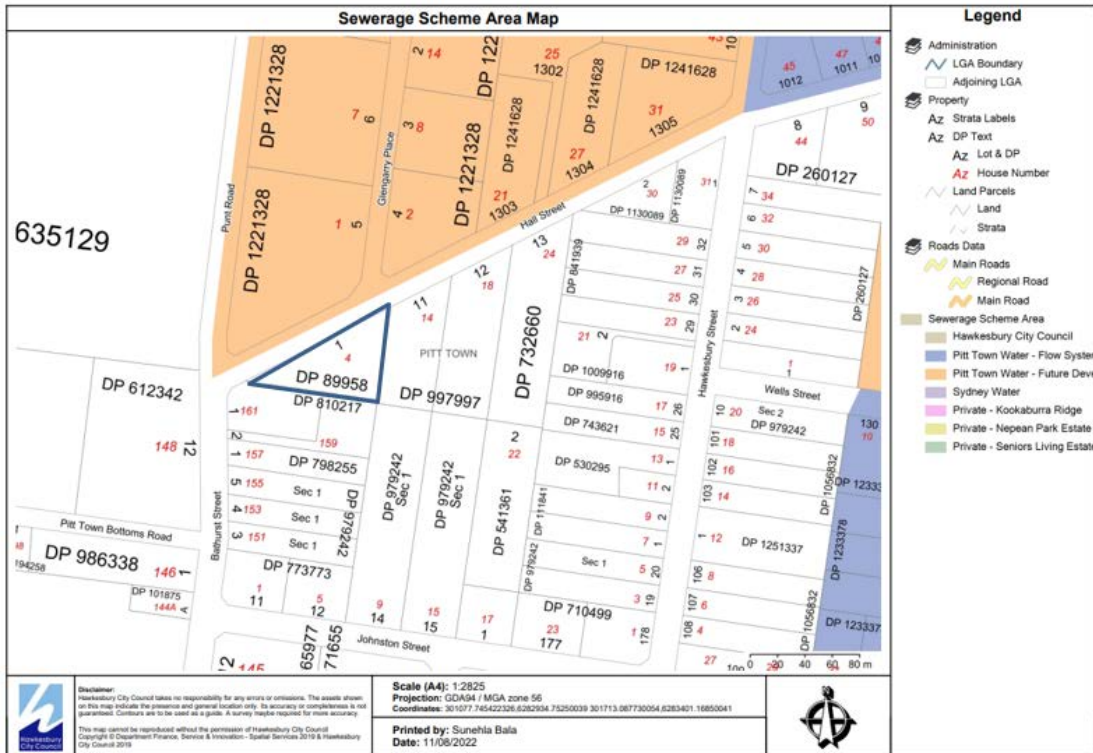


Figure 5 – Sewerage Scheme
Source: Hawkesbury IntraMaps

The subject site is currently not connected to a sewer service. Council's sewer service is unable to connect to the subject site due to the lack of capacity. An on-site effluent system normally requires a minimum lot size of 4,000m² or greater. However, the planning proposal indicates that the applicant is seeking connection to the private reticulated system available in the area. The applicant has provided Council with correspondence from the legal representative of this private system, that confirms they are willing to provide connection to the subject site and secure capacity.

HAWKESBURY LOCAL PLANNING PANEL MEETING

SECTION 1 – Reports for Advice

Meeting Date: 18 August 2022

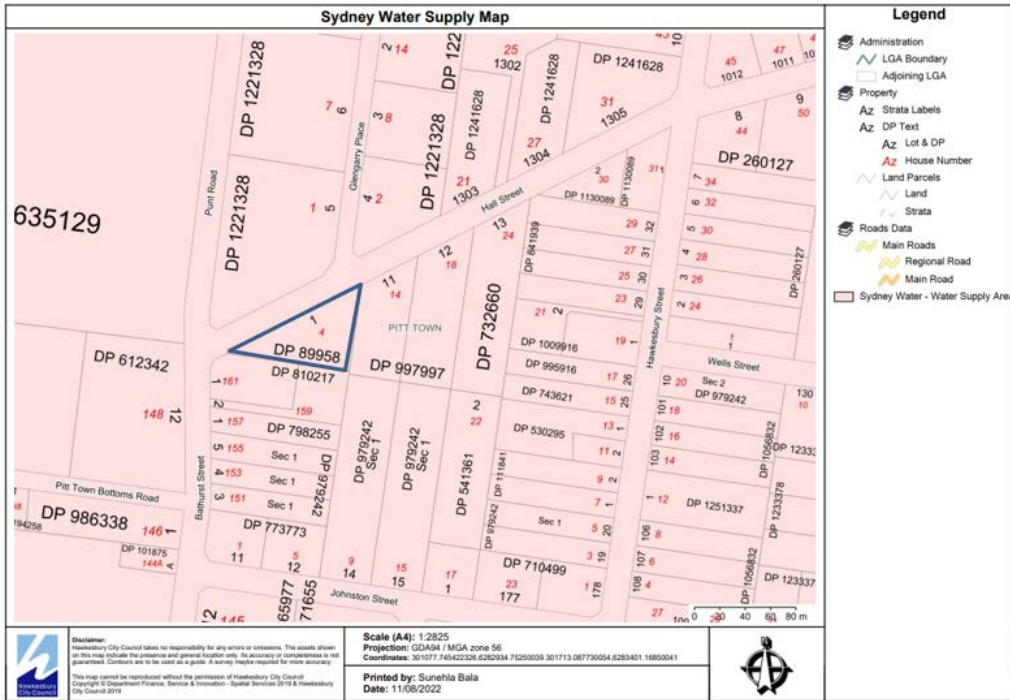


Figure 6 – Sydney Water Supply
Source: Hawkesbury IntraMaps

The subject site is connected to the Sydney water supply.

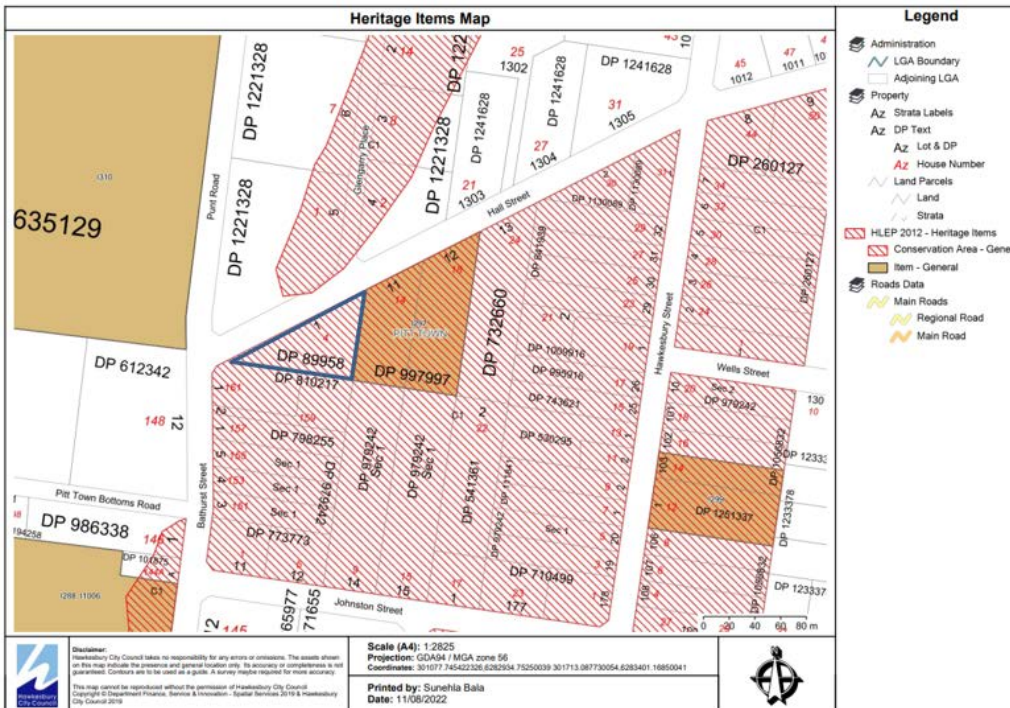


Figure 7 Heritage
Source: Hawkesbury IntraMaps

The subject site is within the Pitt Town Heritage Conservation Area, and immediately adjacent to a heritage listed item.

HAWKESBURY LOCAL PLANNING PANEL MEETING

SECTION 1 – Reports for Advice

Meeting Date: 18 August 2022

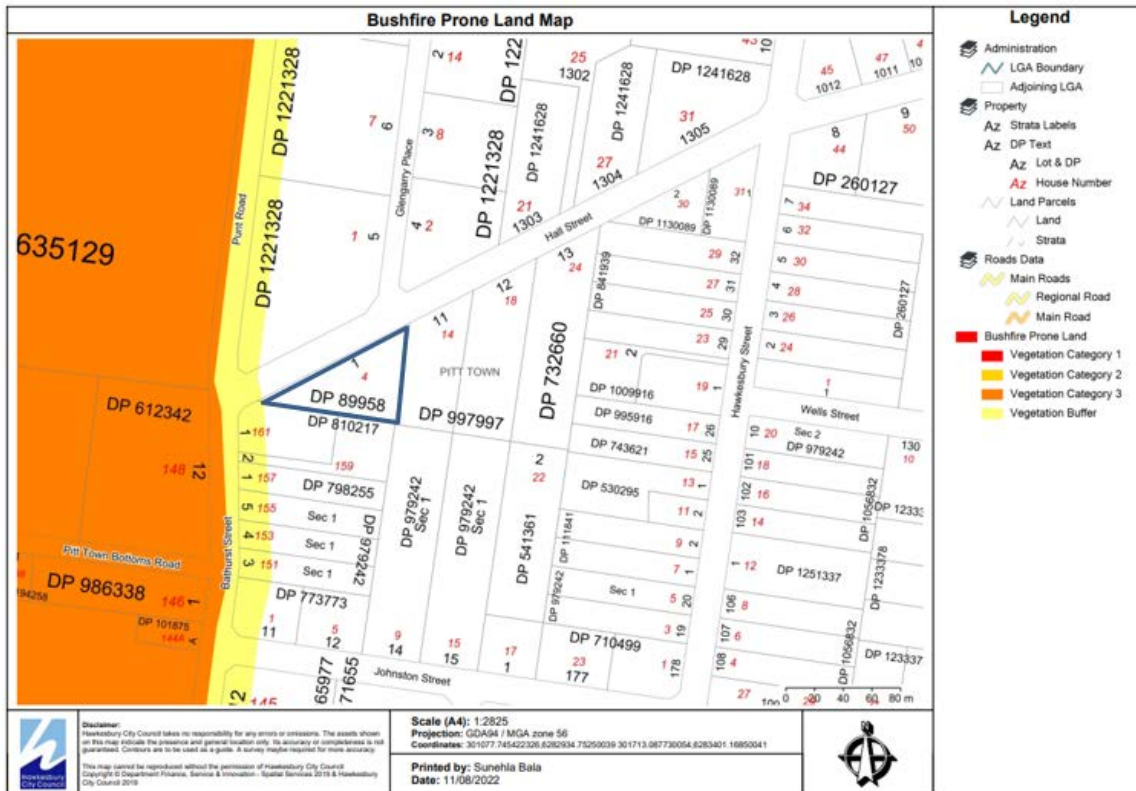


Figure 8 – Bushfire Prone Land
Source: Hawkesbury IntraMaps

The subject site is not affected by the bushfire prone land. However, the western corner of the subject site has vegetation category 2.

Justification of Site and Strategic Merit

The applicant has included the following justification for the planning proposal:

- Rezoning is consistent with the character of the immediate and broader area.
- No adverse impacts to the ensuing development on the single lot.
- Increases housing stock, meeting targets.
- Congruent with relevant strategic planning framework.

An analysis of these justifications is provided below:

Site Location and Characteristics

The subject site is located north of the Pitt Town commercial centre, within the Pitt Town Heritage Conservation Area. The subject site is surrounded by residential development mainly R5 Large Lot Residential. Most necessary infrastructure and services including bus services and local amenities are located within close proximity of the subject site.

The planning proposal will result in increasing the capacity of residential development by an additional one dwelling within the Pitt Town residential area. Given that the subject site is located within a heritage conservation area and adjacent to a heritage listed item, the impact of any future development in the area, specifically, on the subject site will be considered during the development application stage.

HAWKESBURY LOCAL PLANNING PANEL MEETING

SECTION 1 – Reports for Advice

Meeting Date: 18 August 2022

The subject site will have to be connected to a sewerage system prior to being developed. The planning proposal does not have any major impact on the existing infrastructure and services provided in the Pitt Town area.

Detailed Site Investigation – Soil Testing

The planning proposal included an accompanying Detailed Site Investigation report, which provides findings of the soil testing and investigations, conducted to determine the suitability of the site for residential use. The findings of this investigation are that low levels of contaminants were found in the soil samples likely as a result of paint flakes, though below screening levels for residential use.

Additionally, the report notifies that in two samples Asbestos Containing Material was found, which were safely disposed of. Despite this finding, the report concludes that the site is suitable for residential use, though recommends an 'emu pick' to ensure no further Asbestos Containing Material fragments are cleared.

Relationship to Strategic Framework

Greater Sydney Region Plan

The Greater Sydney Region Plan, established by the Greater Sydney Commission, is the key strategic plan governing the direction and objectives of the future of Sydney. The plan envisions a 'City of Three Cities', a multcentred future for Sydney that facilitates and co-ordinates the growth of Greater Sydney. The strategy outlines 10 directions, and 42 objectives guiding the future of Sydney.

The planning proposal is consistent with the objectives of the Greater Sydney Region Plan, as it albeit modestly contributes to objectives centred around providing increased housing stock, helping to meet housing targets, and preserves and continues the social and environmental values of the area. A table containing an assessment against the Greater Sydney Region Plan is included in Attachment 2.

However, the Greater Sydney Region Plan has categorised most of the Hawkesbury as Metropolitan Rural Area, with the exception of the Vineyard Precinct in the Northwest Growth Centre. The role of the Metropolitan Rural Area is to retain the environmental and social character of these places, heavily restricting development. As stated in objective 29 of the plan, Urban development is not consistent with the values of the Metropolitan Rural Area. This Plan identifies that Greater Sydney has sufficient land to deliver its housing needs within the current boundary of the Urban Area and Rural-residential development is not an economic value of the Metropolitan Rural Area and further rural-residential development in the Metropolitan Rural Area is generally not supported.

While this strategic context is in place, it is important that the Hawkesbury LGA can continue to accommodate for its growing population and local demands. The Greater Sydney Region Plan does acknowledge that "limited growth of rural-residential development could be considered where there are no adverse impacts on the amenity of the local area and where the development provides incentives to maintain and enhance the environmental, social and economic values of the Metropolitan Rural Area."

As the planning proposal is modest in the possible level of ensuing development, it allows for infill development on underutilised land, and adverse impacts on amenity are unlikely and natural and agriculturally productive land is not impacted. As such it is considered that the proposal is consistent with the objective of the Metropolitan Rural Area.

Western City District Plan

The Western City District Plan elaborates on the directions of the Greater Sydney Region Plan, giving effect to the plan by creating district specific priorities. The planning proposal is consistent with the objectives of the Western City District Plan as demonstrated in Attachment 3, with comparable evaluations of the Metropolitan Rural Area categorisation as outlined earlier.

HAWKESBURY LOCAL PLANNING PANEL MEETING

SECTION 1 – Reports for Advice

Meeting Date: 18 August 2022

Additionally, the Western City District Plan provides principles for future planning within the Hawkesbury-Nepean Valley. Relevant to this planning proposal is the principle; “providing for less intensive development or avoiding certain urban uses in areas of higher risk and allowing more intensive development in areas of lower flood risk, subject to an assessment of the cumulative impact of urban growth on regional evacuation road capacity and operational complexity of emergency management” Due to the subject site being situated above the 1:100 ARI level, and the low density, modest scale of the proposal, it is considered to be consistent with this principle as it not proposing intensive development that will cause a significant increase in demand on evacuation routes.

Hawkesbury Local Strategic Planning Statement 2040

The Hawkesbury Local Strategic Planning Statement 2040 responds to the Greater Sydney Region Plan and Western City District Plan, outlining Council’s intended course of action in delivering the planning objectives. The proposal is consistent with community-based planning priorities targeted at preserving the local heritage and character of the Hawkesbury’s towns and villages, while improving housing stock.

Additionally, being infill development on cleared underutilised land, the biodiversity and environmental value of the area isn’t compromised by the ensuing development. Attachment 4 details the assessment of the proposal against the Hawkesbury Local Strategic Planning Statement 2040.

State Environmental Planning Policies

The following State Environmental Planning Policies are relevant to the Planning Proposal:

State Environmental Planning Policy (Biodiversity and Conservation) 2021

Chapter 4: Koala Habitat Protection 2021

The subject site is not part of a core koala habitat. Additionally, it is less than 1ha, and not subject to clause 4.2 development controls for koala habitats.

Chapter 6 Bushland in urban area

The subject site is currently zoned SP2 Special Purpose Infrastructure, and the land has previously been cleared. The provisions of this chapter do not apply to the subject site as it is not public open space or adjoined to open space.

Chapter 9 Hawkesbury-Nepean River

The Planning Proposal does not have any adverse impacts on the Hawkesbury-Nepean River, or its amenity.

State Environmental Planning Policy (Resilience and Hazards) 2021

Chapter 4: Remediation of land.

The Detailed Site Investigation report submitted with the planning proposal highlighted that low concentration of contaminants were found on the site. The source of this contamination is likely as a result of paint flakes. Of importance, the Detailed Site Investigation reports that Asbestos Containing Material was identified in two locations. This material was removed during the investigation. Despite these contaminants, the report concludes that the site meets screening levels for residential development, though recommends ‘that an emu pick of the surface be undertaken before the site is divested to clear the site surface of Asbestos Containing Material fragments’

State Environmental Planning Policy (Resource and Energy) 2021

Chapter 3: Extractive Industries in Sydney

The planning proposal is for a residential zoning, and not for extractive industries. The proposal is not impacted by or impedes extractive industries.

The following State Environmental Planning Policies are not relevant to Planning Proposal at this stage, however, will be relevant to any ensuing development should the proposal proceed:

- SEPP (Building Sustainability Index: BASIX) 2004
- SEPP (Exempt and Complying Development Codes) 2008

Attachment 5 provides further details of the planning proposal's consistency with State Environmental Planning Policies.

Local Planning Direction (Ministerial Directions)

Relevant to the planning proposal are the following ministerial directions:

Direction 1.1 Implementation of Regional Plans

Consistent - The Planning Proposal was assessed against regional plans, giving effect to the vision of these strategies.

Direction 1.3 Approval and Referral Requirements

Consistent – The Planning Proposal does not require concurrence, consultation or referral of development application to a minister or public authority.

Direction 1.4 Site Specific Provisions

Consistent - The proposed zoning is site appropriate, not requiring any site-specific provisions.

Direction 3.2 Heritage Conservation

Consistent - The amendment of zoning on the subject site is consistent with the Pitt Town Conservation Area. Heritage impacts of future development is a matter to be addressed upon submission of a future development application.

Direction 4.1 Flooding

Consistent - The subject site is above the 1:100 ARI flood planning area, allowing for rezoning from a Special Purpose to Residential Zoning. In consideration that the subject site is partially inundated by the Probable Maximum Flood event, the planning proposal is consistent with this direction as it does not propose significant increase of dwelling density, result in flood impacts on other properties or result in significant increased requirements for flood evacuation infrastructure or emergency services.

Direction 4.4 Remediation of Contaminated Land

Consistent – the Detailed Site Investigation report submitted with the planning proposal highlighted that low concentration of contaminants were found on the site. The source of this contamination is likely as a result of paint flakes. Of importance, the Detailed Site Investigation reports that Asbestos Containing Material was identified in two locations. This material was removed during the investigation. Despite these contaminants, the report concludes that the site meets screening levels for residential development, though recommends 'that an emu pick of the surface be undertaken before the site is divested to clear the site surface of Asbestos Containing Material fragments'

Direction 4.5 Acid Sulfate Soils

Consistent – The subject site contains category 5 acid sulfate soils, and as such, ensuing development will be subject to the requirements of clause 6.1 of the *Hawkesbury Local Environment Plan 2012*, which may require an acid sulfate soil management plan depending on proposed development within a development application.

Direction 5.1 Integrated Land Use and Transport

Consistent: The proposal provides for infill development in an existing town centre, and as such no adverse impacts on local transport or infrastructure are expected.

Direction 6.1 Residential Zones

Consistent: The planning proposal is infill development, and able to utilise existing services and infrastructure. The subject site is not serviced by a sewer system. Council sewer system is unable to service this site, and on-site effluent systems require a lot size of 4,000m² or greater. To service the site, the applicant is seeking connection to the private reticulated system available in the area. The applicant has provided Council with correspondence from the legal representative of this private system that confirms they are willing to provide connection to the subject site and secure capacity.

Direction 8.1 Mining, Petroleum production and Extractive Industries.

Consistent: Due to the lot size and being located in a residential area, the planning proposal does not impact the potential for extractive industries.

Attachment 6 further details the assessment of the planning proposal against the Ministerial Directions.

Hawkesbury Community Strategic Plan 2022-2042

The Hawkesbury Community Strategic Plan 2022-2042 provides broad objectives for the future of the Hawkesbury community for the next 20 years. The objectives are categorised into four community outcomes:

- A Great Place to Live
- Protected Environment and Valued History
- Strong Economy
- Reliable Council.

The Planning Proposal is not inconsistent with any of the community outcomes or objectives of the Hawkesbury Community Strategic Plan.

Hawkesbury Local Housing Strategy

The Hawkesbury local housing strategy provides a vision for the future of accommodating the predicted future population growth of the Hawkesbury. The strategy acknowledges that housing capacity and future development is heavily restrained by both natural and built form constraints. These constraints highlight the importance of infill development in meeting accommodation for population growth and housing targets. Considering the subject site is above the 1:100 ARI flood level and is free of other constraints, it is a suitable site for housing development. Additionally, the Hawkesbury Local Housing strategy identifies the following objectives of R5 Large Lot Residential Zoning:

- To provide for residential housing in a rural setting while preserving, and minimising impacts on environmental sensitive locations and scenic quality.
- To ensure that large residential lots do not hinder the proper and orderly development of urban areas in the future.

HAWKESBURY LOCAL PLANNING PANEL MEETING

SECTION 1 – Reports for Advice

Meeting Date: 18 August 2022

- To ensure that development in the area does not unreasonably increase the demand for public services or public facilities.
- To minimise conflict between land uses within this zone and land uses within adjoining zones.
- To provide primarily for low density residential housing and associated facilities.

The proposal is consistent with these objectives, as the local character is retained, and no stress on local infrastructure is expected. As such, an R5 Large Lot Residential zoning would be appropriate for the subject site.

Hawkesbury Rural Lands Strategy

The Rural Lands Strategy provides direction for the management and preservation of the productivity of Hawkesbury's rural areas. The strategy identifies R5 – Large Lot Residential areas which are highly prevalent within the Hawkesbury, typically fall within the category of rural living. The strategy acknowledges that typically the negatives of rural living such as cost of service provision and conflicts with rural production, often outweigh the positives. However, with site specific consideration, these negative factors are largely mitigated as the subject site sits within an existing R5 Zoned area. Additionally, most necessary services available to the subject site and the lot size is too small to be used for agricultural purposes.

Strategic Merit

The planning proposal due to the modest scale of infill development that it facilitates contains strategic merit, regarding contributing towards housing supply in the Hawkesbury and preserving the natural and rural amenity of the area. It is consistent with Local, State and Regional strategies, and no impediments to the delivery of planning objectives and aims are identified.

Environmental, Social and Economic Impact

Development on the subject site is not anticipated to have any adverse environmental impacts as the land does not contain any critical habitat or threatened species, populations, or ecological communities. Additionally, the site is not bush fire affected, or affected by the 1:100 ARI flood, yet it is worth acknowledging that it would be isolated within the Pitt Town Flood Island in such an event.

The rezoning from SP2 - Infrastructure (Water Supply System) to R5 – Large Lot Residential is consistent with the character of the local area, and of the Pitt Town Heritage Conservation Area. The heritage impacts on neighbouring sites by future development is a matter of consideration through a future development application. As such the proposal does not have any undesirable social impacts.

Conclusion

The rezoning of the subject site from SP2 – Infrastructure (Water Supply System) to R5 large Lot Residential and applying associated planning controls of a minimum lot size of 4,000m² and maximum building height of 10m is consistent with the character of the area. Given that the subject site is within the Pitt Town Heritage Conservation Area, and adjacent to a heritage listed item, any impact due to future development of the subject site will be considered at the development application stage.

The planning proposal contains site-specific merit, as the subject site is adequately serviced by all required infrastructure except for access to sewer, which can be provided through the private reticulated system available in the area. Due to the provisions of the planning proposal only permitting low scale residential development of a single dwelling, any adverse impacts on flood evacuation routes and services are minimal. The planning proposal is also consistent with the Metropolitan Rural Area context.

HAWKESBURY LOCAL PLANNING PANEL MEETING

SECTION 1 – Reports for Advice

Meeting Date: 18 August 2022

ATTACHMENTS:

- AT – 1** Planning Proposal 4 Hall Street, Pitt Town - *(Distributed under separate cover)*.
- AT – 2** Assessment Against Greater Sydney Region Plan.
- AT – 3** Assessment Against Western Sydney District Plan.
- AT – 4** Assessment Against Hawkesbury Local Strategic Planning Statement 2040.
- AT – 5** Assessment Against State Environmental Planning Policy.
- AT – 6** Assessment Against Local Planning Direction (Ministerial Directions) - *(Distributed under separate cover)*.

HAWKESBURY LOCAL PLANNING PANEL MEETING

SECTION 1 – Reports for Advice

Meeting Date: 18 August 2022

AT – 2 Assessment Against Greater Sydney Region Plan

Assessment Against Greater Sydney Region Plan

Provision	Comment	Consistency
Infrastructure and Collaboration		
Direction 1: A City Supported by Infrastructure		
Objective 1: Infrastructure supports the three cities	NA	NA
Objective 2: Infrastructure aligns with forecast growth – growth infrastructure compact	NA	NA
Objective 3: Infrastructure adapts to meet future needs	NA	NA
Objective 4: Infrastructure use is optimised	NA	NA
Direction 2: A Collaborative City		
Objective 5: Benefits of growth realised by collaboration of governments, community and business	NA	NA
Liveability		
Direction 3: A City for People		
Objective 6: Services and infrastructure meet communities' changing needs	NA	NA
Objective 7: Communities are healthy, resilient and socially connected	NA	NA
Objective 8: Greater Sydney's communities are culturally rich with diverse neighbourhoods	NA	NA
Objective 9: Greater Sydney celebrates the arts and supports creative industries and innovation	NA	NA
Direction 4: Housing the City		
Objective 10: Greater housing supply	The conversion of zoning, whilst modest, does contribute to greater housing supply and meeting housing targets.	Yes
Objective 11: Housing is more diverse and affordable	NA	NA

HAWKESBURY LOCAL PLANNING PANEL MEETING

SECTION 1 – Reports for Advice

Meeting Date: 18 August 2022

Provision	Comment	Consistency
Direction 5: A City of Great Places		
Objective 12: Great places that bring people together	NA	NA
Objective 13: Environmental heritage is identified, conserved and enhanced	Whilst the site is not individually heritage listed, it is part of the Pitt Town Conservation Area, and the adjacent lot contains a locally heritage listed item. Heritage impacts are a matter to be addressed through a future development application.	Yes
Productivity		
Direction 6: A Well-Connected City		
Objective 14: <i>A Metropolis of Three Cities</i> – integrated land use and transport creates walkable and 30-minute cities	NA	NA
Objective 15: The Eastern, GOP and Western Economic Corridors are better connected and more competitive	NA	NA
Objective 16: Freight and logistics network is competitive and efficient	NA	NA
Objective 17: Regional connectivity is enhanced	NA	NA
Direction 7: Jobs and Skills for the City		
Objective 18: Harbour CBD is stronger and more competitive	NA	NA
Objective 19: Greater Parramatta is stronger and better connected	NA	NA
Objective 20: Western Sydney Airport and Badgerys Creek Aerotropolis are economic catalysts for Western Parkland City	NA	NA
Objective 21: Internationally competitive health, education, research and innovation precincts	NA	NA
Objective 22: Investment and business activity in centres	NA	NA
Objective 23: Industrial and urban services land is planned, retained and managed	NA	NA

HAWKESBURY LOCAL PLANNING PANEL MEETING

SECTION 1 – Reports for Advice

Meeting Date: 18 August 2022

Provision	Comment	Consistency
Objective 23: Industrial and urban services land is planned, retained and managed	NA	NA
Objective 24: Economic sectors are targeted for success	NA	NA
Sustainability		
Direction 8: A City in Its Landscape		
Objective 25: The coast and waterways are protected and healthier	NA	NA
Objective 26: A cool and green parkland city in the South Creek corridor	NA	NA
Objective 27: Biodiversity is protected, urban bushland and remnant vegetation is enhanced	Urban bushland and vegetation are not present on the property, with rezoning encouraging infill development protecting immediate untouched biodiversity and bushland.	Yes
Objective 28: Scenic and cultural landscapes are protected	R5 zoning is appropriate for the character of the area and capitalises on the scenic rural landscape that draws the rural living in the area.	Yes
Objective 29: Environmental, social and economic values in rural areas are protected and enhanced	Conversion of zoning is consistent with neighbouring lots protecting and enhancing the environmental and social values of the area.	Yes
Objective 30: Urban tree canopy cover is increased	NA	NA
Objective 31: Public open space is accessible, protected and enhanced	NA	NA
Objective 32: The Green Grid links parks, open spaces, bushland and walking and cycling paths	NA	NA
Direction 9: An Efficient City		
Objective 33: A low-carbon city contributes to net-zero emissions by 2050 and mitigates climate change	NA	NA
Objective 34: Energy and water flows are captured, used and re-used	NA	NA
Objective 35: More waste is re-used and recycled to support the development of a circular economy	NA	NA

HAWKESBURY LOCAL PLANNING PANEL MEETING

SECTION 1 – Reports for Advice

Meeting Date: 18 August 2022

Provision	Comment	Consistency
Direction 10: A Resilient City		
Objective 36: People and places adapt to climate change and future shocks and stresses	NA	NA
Objective 37: Exposure to natural and urban hazards is reduced	NA	NA
Objective 38: Heatwaves and extreme heat are managed	NA	NA

HAWKESBURY LOCAL PLANNING PANEL MEETING

SECTION 1 – Reports for Advice

Meeting Date: 18 August 2022

AT – 3 Assessment Against Western Sydney District Plan

Assessment Against Western City District Plan

Provision	Comment	Consistency
Infrastructure and Collaboration		
Direction 1: A City Supported by Infrastructure		
Planning Priority W1 Planning for a city supported by infrastructure	NA	NA
Direction 2: A Collaborative City		
Planning Priority W2 Working through collaboration	NA	NA
Liveability		
Direction 3: A City for People		
Planning Priority W3 Providing services and social infrastructure to meet people's changing needs	NA	NA
Planning Priority W4 Fostering healthy, creative, culturally rich and socially connected communities	NA	NA
Direction 4: Housing the City		
Planning Priority W5 Providing housing supply, choice and affordability with access to jobs, services and public transport	The proposal is a very minor increase in housing supply in a location with access to bus routes, and relatively close to a local centre.	Yes
Direction 5: A City of Great Places		
Planning Priority W6 Creating and renewing great places and local centres, and respecting the District's heritage	Residential dwellings are consistent with the Heritage Conservation Area. Heritage impacts of development is a matter to be addressed through a future development application.	Yes
Productivity		
Direction 6: A Well-Connected City		
Planning Priority W7 Establishing the land use and transport structure to deliver a liveable, productive and sustainable Western Parkland City	NA	NA
Direction 7: Jobs and Skills for the City		
Planning Priority W8 Leveraging industry opportunities from the Western Sydney Airport and Badgerys Creek Aerotropolis	NA	NA
Planning Priority W9 Growing and strengthening the metropolitan cluster	NA	NA

HAWKESBURY LOCAL PLANNING PANEL MEETING

SECTION 1 – Reports for Advice

Meeting Date: 18 August 2022

Provision	Comment	Consistency
Planning Priority W10 Maximising freight and logistics opportunities and planning and managing industrial and urban services land	NA	NA
Planning Priority W11 Growing investment, business opportunities and jobs in strategic centres	NA	NA
Sustainability		
Direction 8: A City in Its Landscape		
Planning Priority W12 Protecting and improving the health and enjoyment of the District's waterways	NA	NA
Planning Priority W13 Creating a Parkland City urban structure and identity, with South Creek as a defining spatial element	NA	NA
Planning Priority W14 Protecting and enhancing bushland and biodiversity	Urban bushland and vegetation are not present on the property, with rezoning encouraging infill development protecting immediate untouched biodiversity and bushland.	Yes
Planning Priority W15 Increasing urban tree canopy cover and delivering Green Grid connections	NA	NA
Planning Priority W16 Protecting and enhancing scenic and cultural landscapes	The rezoning of the land to R5 Zoning continues the cultural character of the immediate area, capitalising on the environmental landscape.	Yes
Planning Priority W17 Better managing rural areas	Amendment of zoning is consistent with neighbouring lots protecting and enhancing the environmental and social values of the area.	Yes
Planning Priority W18 Delivering high quality open space	NA	NA
Direction 9: An Efficient City		
Planning Priority W19 Reducing carbon emissions and managing energy, water and waste efficiently	NA	NA
Direction 10: A Resilient City		
Planning Priority W20 Adapting to the impacts of urban and natural hazards and climate change	NA	NA

HAWKESBURY LOCAL PLANNING PANEL MEETING

SECTION 1 – Reports for Advice

Meeting Date: 18 August 2022

AT – 4 Assessment Against Hawkesbury Local Strategic Planning Statement 2040

Assessment Against Hawkesbury Local Strategic Planning Statement

Provision	Comment	Consistency
Infrastructure		
Planning Priority 1 Ensure infrastructure aligns with current needs and future growth.	NA	NA
Planning Priority 2 Form Partnerships with stakeholders and agencies.	NA	NA
Community		
Planning Priority 3 Providing a diversity of housing types to meet the needs of the changing population.	NA	NA
Planning Priority 4 Protect and promote Aboriginal and European heritage and its transition into innovative, creative, and adaptive re-use.	Rezoning to R5 is consistent with the Pitt Town Conservation area, and possible impacts of development on adjacent heritage listed property can be appropriately assessed upon submission of a future development application.	Yes
Planning Priority 5 Managing rural lands.	Infill development in Hawkesbury's towns and villages assists in retaining the rural character and productivity of the surrounding area.	Yes
Planning Priority 6 Manage, enhance, and celebrate the distinctive heritage character of our towns, villages, and naturally landscaped environment.	The zoning and ensuing development is consistent with the social, environmental and heritage character of the area.	Yes
Productivity		
Planning Priority 7 Promote and support all sectors of industry and businesses in the Hawkesbury to meet current and future demands and trends	NA	NA
Planning Priority 8 Explore opportunities at the Western Sydney University, Richmond RAAF Base, and other industries to create value chain at the Western Sydney Airport.	NA	NA
Planning Priority 9 Encourage the economic self-determination of the Aboriginal community through their landholdings and culture.	NA	NA

HAWKESBURY LOCAL PLANNING PANEL MEETING

SECTION 1 – Reports for Advice

Meeting Date: 18 August 2022

Provision	Comment	Consistency
Sustainability		
Planning Priority 10 An aware and resilient city that can adapt to natural hazards of flood, bushfire, and climate change.	NA	NA
Planning Priority 11 Protect our rivers, creeks, and areas of high biodiversity and environmental values.	Infill development on underutilised land preserves local biodiversity, and areas of environmental value.	Yes
Planning Priority 12 Champion, educate and support a transition to renewable waste and energy.	NA	NA

HAWKESBURY LOCAL PLANNING PANEL MEETING

SECTION 1 – Reports for Advice

Meeting Date: 18 August 2022

AT – 5 Assessment Against State Environmental Planning Policy

Assessment Against State Environment Planning Policies

Title	Summary	Consistency of the Planning Proposal with the SEPP
Planning Systems:		
<ul style="list-style-type: none"> • State and Regional Development • Aboriginal Land • Concurrence and Consents 	<ul style="list-style-type: none"> • To identify developments that are state significant development, state significant infrastructure, critical state significant infrastructure and regionally significant development. • To provide for development delivery plans for areas of land owned by Local Aboriginal Land Councils to be considered and specific developments to be declared as regionally significant developments. • The concurrence and consents chapter prevails over an inconsistency with another environmental planning instrument to the extent of the inconsistency. 	<p>State and Regional Development- Apply to the State. Consistent</p> <p>Aboriginal Land – Does not apply to the Hawkesbury LGA</p> <p>Concurrence and Consents- Apply to the State. Consistent</p>
Biodiversity and Conservation:		
<ul style="list-style-type: none"> • Vegetation in non-rural areas • Koala Habitat Protection • River Murray Lands • Bushland in urban areas. • Canal estate development • Sydney drinking water catchment • Hawkesbury-Nepean River • Sydney harbour catchment • Georges rivers catchment • Willandra lakes region world heritage property 	<ul style="list-style-type: none"> • To protect the biodiversity values of vegetation in non-rural areas of the State. • To encourage conservation and management of areas of natural vegetation that provide habitat for koalas to ensure a permanent free-living population over their present range and reserves the current trend of koala population decline. • Conserve and enhance the riverine environment of the River Murray. • Protect and preserve the bushlands within urban areas. • Prohibit canal estate development. • Provide a healthy and high-quality water catchment. • Protect the environment of the Hawkesbury-Nepean River system. • To ensure that the Sydney Harbour catchment, foreshores, waterways and islands are recognised, protected and enhanced. • To protect, conserve and manage the world heritage – Willandra Lakes. 	<p>Vegetation in non-rural areas – Applies to the State/ Hawkesbury LGA. Consistent</p> <p>Koala Habitat Protection 2020– Apply to the State/ Hawkesbury LGA. Consistent</p> <p>Koala Habitat Protection 2021– Apply to the State/ Hawkesbury LGA. The subject site is not part of a core koala habitat. Additionally, it is less than 1ha, and not subject to 4.2 development controls for koala habitats. Consistent</p> <p>Bushland in Urban Areas – Apply to the State. The site is currently zoned SP2 Special Purpose infrastructure, and the land has been cleared accordingly. The provisions of this chapter do not apply to the subject site as it is not public open space or adjoined to open space. Consistent</p> <p>Canal State Development – Apply</p>

HAWKESBURY LOCAL PLANNING PANEL MEETING

SECTION 1 – Reports for Advice

Meeting Date: 18 August 2022

		<p>to the State. Consistent</p> <p>Hawkesbury-Nepean River – Apply to the Hawkesbury LGA.</p> <p>9.5.1 Total Catchment Management Planning Proposal would not have any impact on the catchment or areas downstream from subject site.</p> <p>9.5.2 Environmentally Sensitive Areas The Planning Proposal would not have any impact on the environmental quality of the Hawkesbury-Nepean catchment.</p> <p>9.5.3 Water Quality The Planning Proposal would not have any impact on the water quality.</p> <p>9.5.4 Water Quantity The Planning Proposal would not impact the flow characteristics of surface or groundwater in the catchment</p> <p>9.5.5 Cultural Heritage The Planning Proposal would not hinder the rivers contribution to the significance of items and places of cultural heritage.</p> <p>9.5.6 Flora and Fauna No biodiversity, or ecological protected areas, or features are found on site. The planning proposal would not have an impact on the river catchments flora and fauna.</p> <p>9.5.7 Riverine Scenic Quality The Planning Proposal would not impact the river's scenic quality.</p> <p>9.5.8 Agriculture/Aquiculture and Fishing The Planning Proposal would allow for continued use of the river for agriculture/aquiculture and fishing.</p> <p>9.5.9 Rural Residential Development The subject site is not rurally zoned.</p> <p>9.5.10 Urban Development Consideration of adverse impacts will be assessed and controlled at all stages, though adverse environmental impacts are unlikely.</p>
--	--	--

HAWKESBURY LOCAL PLANNING PANEL MEETING

SECTION 1 – Reports for Advice

Meeting Date: 18 August 2022

		<p>9.5.11 Recreation and Tourism The planning proposal does not hinder the tourism capacity of the area.</p> <p>9.5.12 Metropolitan Strategy The planning proposals assessment against metropolitan strategies has been considered Consistent</p> <p>Sydney drinking water catchment- Apply to the Hawkesbury LGA. Consistent</p> <p>Georges rivers catchment- Does not apply to the LGA</p> <p>Willandra lakes region world heritage property Does not apply to the Hawkesbury LGA</p>
Resilience and Hazards:		
<ul style="list-style-type: none"> • Coastal Management • Hazardous and offensive development • Remediation of Land 	<ul style="list-style-type: none"> • Promote the integrated and coordinated approach to land use planning in the coastal zone. • To ensure that hazardous and offensive industries developments does not have adverse impacts. • Provides a State-wide planning approach for the remediation of contaminated land. 	<p>Coastal Management- Apply to the State. Consistent</p> <p>Hazardous and offensive development- Apply to the State. Consistent</p> <p>Remediation of Land – Apply to the State.</p> <p>4.6 Contamination and remediation to be considered in determining development application: Detailed Site Investigation report submitted alongside planning. This report finds that low concentration of contaminants was found on site. The source of this contamination is likely as a result of paint flakes. Of importance, the Detailed Site Investigation reports that Asbestos Containing Material was identified in two locations. This material was removed during the investigation. Despite these contaminants, the report concludes that the site meets screening levels for residential development, though recommends 'that an emu pick of the surface be undertaken before the site is divested to clear the site surface of Asbestos Containing Material fragments'</p> <p>Consistent</p>

HAWKESBURY LOCAL PLANNING PANEL MEETING

SECTION 1 – Reports for Advice

Meeting Date: 18 August 2022

Transport and Infrastructure:		
<ul style="list-style-type: none"> • Infrastructure • Educational establishments and childcare facilities • Major infrastructure corridors • Three Ports – Port Botany, Port Kembla and Newcastle 	<ul style="list-style-type: none"> • To facilitate the effective delivery of infrastructure across the State. • To facilitate the effective delivery of educational establishments and early education and childcare facilities across the State. • To identify and reserve land for future infrastructure corridor. • To ensure consistency of development and delivery of infrastructure on lands in Port Botany, Port Kembla and Port of Newcastle. 	<p>Infrastructure – Apply to the State. Consistent</p> <p>Educational establishments and childcare facilities- Applies to the State. Consistent</p> <p>Major infrastructure corridors – Does not apply to the Hawkesbury LGA</p> <p>Three Ports – Port Botany, Port Kembla and Newcastle – Does not apply to the Hawkesbury LGA – Does Not Apply to the Hawkesbury LGA</p>
Industry and Employment:		
<ul style="list-style-type: none"> • Western Sydney Employment Area • Advertising and Signage 	<ul style="list-style-type: none"> • To promote economic development and creation of employment in the Western Sydney Employment Area. • To ensure that signage is compatible, effective, and regulated. 	<p>Western Sydney Employment Area – Does not apply to the Hawkesbury LGA</p> <p>Advertising and Signage – Apply to the State. Consistent</p>
Resources and Energy:		
<ul style="list-style-type: none"> • Mining, Petroleum production and extractive industries • Extractive industries in Sydney area 	<ul style="list-style-type: none"> • To provide for the proper management and development of mineral, petroleum and extractive material resources and promote social and economic welfare of the State. • To facilitate extractive resources development in the Sydney Metropolitan Area. 	<p>Mining, Petroleum production and extractive industries- Applies to the State - Consistent</p> <p>Extractive industries in Sydney area – Apply to the Hawkesbury LGA. The Planning Proposal is for residential zoning, and not for extractive industries. The proposal is not impacted by, or impedes and extractive industries. Consistent</p>
Primary Production:		
<ul style="list-style-type: none"> • Primary production and Rural Development • Sustainable aquaculture • Central Coast Plateau areas 	<ul style="list-style-type: none"> • To facilitate the orderly economic use and development of lands for primary production. • To encourage sustainable aquaculture in the State, namely, aquaculture development which uses, conserves and enhances the community's resources so that the total quality of life now and in the future can be preserved and enhanced. • To protect the Central Coast plateau areas and provide a basis for evaluating competing land uses. 	<p>Primary production and Rural Development – Apply to the State. Consistent</p> <p>Sustainable aquaculture – Apply to the State/ Hawkesbury LGA. Consistent</p> <p>Central Coast Plateau areas – Does not apply to the Hawkesbury LGA</p>

HAWKESBURY LOCAL PLANNING PANEL MEETING

SECTION 1 – Reports for Advice

Meeting Date: 18 August 2022

Western Parkland City:		
<ul style="list-style-type: none"> • State Significant Precincts • Sydney Region Growth Centres • Western Sydney Aerotropolis • Penrith Lakes Scheme • Sydney Regional Environmental Plan No 30- St Marys 	<ul style="list-style-type: none"> • To facilitate the development, redevelopment or protection of important urban, coastal and regional sites of economic, environmental or social significance to the State. • To co-ordinate the release of land for residential, employment and other urban development in the North-West Growth Centre, the South-West Growth Centre, the Wilton Growth Area and the Greater Macarthur Growth Area. • To facilitate development in the Western Sydney Aerotropolis in accordance with the objectives and principles of the Western Sydney Aerotropolis Plan. • To provide a development control process that ensures that environmental and technical matters are considered in the implementation of the Penrith Lakes Scheme. • To provide a framework for the sustainable development and management of the land at St Marys. 	<p>State Significant Precincts– Does not apply to the Hawkesbury LGA</p> <p>Sydney Region Growth Centres– Apply to the Hawkesbury LGA. Consistent.</p> <p>Western Sydney Aerotropolis– Does not apply to the Hawkesbury LGA</p> <p>Penrith Lakes Scheme– Does not apply to the Hawkesbury LGA</p> <p>Sydney Regional Environmental Plan No 30- St Marys– Does not apply to the Hawkesbury LGA</p>
Precincts Eastern Harbour City:		
<ul style="list-style-type: none"> • State significant precincts • Darling Harbour • City West • Walsh Bay • Cooks Cove • Moore Park Showground 	<ul style="list-style-type: none"> • To facilitate the development, redevelopment or protection of important urban, coastal and regional sites of economic, environmental or social significance to the State. • To establish planning principles of regional significance for City West as a whole with which development in City West • To protect the heritage significance, encourage adaptive re-use of buildings, to ensure developments are compatible commercial shipping and navigational requirements of Sydney Harbour. • To develop the Cooks Cove that promotes the ecological sustainability of the site. • To enable redevelopment of Moore Park Showground which highlights the significance of the park. 	<p>State significant precincts– Does not apply to the Hawkesbury LGA</p> <p>Darling Harbour– Does not apply to the Hawkesbury LGA</p> <p>City West– Does not apply to the Hawkesbury LGA</p> <p>Walsh Bay– Does not apply to the Hawkesbury LGA</p> <p>Cooks Cove– Does not apply to the Hawkesbury LGA</p> <p>Moore Park Showground– Does not apply to the Hawkesbury LGA</p>

HAWKESBURY LOCAL PLANNING PANEL MEETING

SECTION 1 – Reports for Advice

Meeting Date: 18 August 2022

Central River City:		
<ul style="list-style-type: none"> • State Significant Precincts • Sydney Region Growth Centres • Homebush Bay Area • Kurnell Peninsula • Urban Renewal Precincts 	<ul style="list-style-type: none"> • To facilitate the state significant development, redevelopment or protection of urban, coastal and regional sites of economic, environmental and social values. • to co-ordinate the release of land for residential, employment and other urban development in the North-West Growth Centre, the South-West Growth Centre, the Wilton Growth Area and the Greater Macarthur Growth Area. • To encourage co-ordinated and environmentally sensitive development of the Homebush Bay Area. • To conserve the natural environment of the Kurnell Peninsula and ensure that development is managed having regard to the environmental, cultural and economic significance of the area to the nation, State, region and locality. • To establish the process for assessing and identifying sites as urban renewal precincts. 	<p>State Significant Precincts – Does not apply to the Hawkesbury LGA</p> <p>Sydney Region Growth Centres- Does not apply to the Hawkesbury LGA</p> <p>Homebush Bay Area- Does not apply to the Hawkesbury LGA</p> <p>Kurnell Peninsula- Does not apply to the Hawkesbury LGA</p> <p>Urban Renewal Precincts- Does not apply to the Hawkesbury LGA</p>
Housing		
<ul style="list-style-type: none"> • Affordable Housing • Diverse Housing 	<ul style="list-style-type: none"> • Aims to provide a consistent planning regime for the provision of affordable housing and facilitate the effective delivery of affordable housing • Aims to encourage the provision of housing to meet the needs of seniors or people with a disability. • Aims to supply affordable and diverse housing in the right places for every stage of life. • Aims to facilitate the proper management and development of land used for caravan parks catering to the provision of accommodation to short- and long-term residents. • To facilitate the establishment of manufactured home estates as a contemporary form of medium density residential development that provides an alternative to traditional housing arrangements. 	<p>Affordable Housing– Apply to the State/ Hawkesbury LGA. Consistent</p> <p>Diverse Housing – Apply to LGA Consistent</p>

HAWKESBURY LOCAL PLANNING PANEL MEETING

SECTION 1 – Reports for Advice

Meeting Date: 18 August 2022

Design Quality of Residential Flat Development		
Design Quality of Residential Flat Development- SEPP 65	<ul style="list-style-type: none">Aims to improve the design qualities of residential flat building development in New South Wales.	Design Quality of Residential Flat Development – Apply to the State/ Hawkesbury LGA. Consistent
Exempt and Complying Development Code		
Exempt and Complying Development Code	<ul style="list-style-type: none">Aims to provide streamlined assessment process for development that complies	Exempt and Complying CODE – Apply to the State/ Hawkesbury LGA. Consistent
Building Sustainability Index – BASIX		
Building Sustainability Index – BASIX	<ul style="list-style-type: none">Encourage sustainable residential development and ensure consistency in the implementation of the BASIX scheme throughout the State.	BASIX – Apply to the State/Hawkesbury LGA. Consistent

oooO END OF REPORT Oooo

HAWKESBURY LOCAL PLANNING PANEL MEETING

SECTION 1 – Reports for Advice

Meeting Date: 18 August 2022

Item: 009 CP - LEP001/22 30A, 30B, 30C and 34 Mitchell Road, Pitt Town to amend the Hawkesbury LEP 2012 to reduce the Minimum Lot Size provisions for the subject site from 2,500m² to 1,000m² - (95498, 137333)

Directorate: City Planning

PLANNING PROPOSAL INFORMATION

File Number: LEP001/22
Property Address: 30A, 30B, 30C and 34 Mitchell Road, Pitt Town
Applicant: PMO Planning Services Pty Ltd
Owner: Ghant Project Managers Pty Ltd
Date Received: 9 May 2022
Current Minimum Lot Size: 2,500m²
Proposed Minimum Lot Size: 1,000m²
Current Zone: R5 Large Lot Residential
Site Area: 7.98 Hectares

Key Issues:

- ◆ Minimum Lot Size
- ◆ Flooding
- ◆ Flood Evacuation Routes and Bus Route

Recommendation:

That the Hawkesbury Local Planning Panel provide advice on the planning proposal to:

Amend the Hawkesbury Local Environmental Plan 2012 to reduce the Minimum Lot Size provisions for the subject site from 2,500m² to 1,000m².

Two potential scenarios have been discussed in this report.

- Scenario 1: Considering the potential that providing the subject site with a Minimum Lot Size provision of 1,000m² could create a precedent for other large lot owners to apply for similar planning proposals which could exceed the evacuation capacity of Pitt Town Evacuation Route.
- Scenario 2: The need for the evacuation route is deemed high and the Minimum Lot Size provision of 1,000m² is provided to the subject site to facilitate construction of the Pitt Town Evacuation Route.

PURPOSE OF REPORT:

The purpose of this report is to inform the Hawkesbury Local Planning Panel that an applicant initiated planning proposal for 30A, 30B, 30C and 34 Mitchell Road, Pitt Town has been received by Council and to seek advice from the Panel ahead of Council's formal consideration of the proposal.

The planning proposal seeks to amend the Hawkesbury Local Environmental Plan 2012, Minimum Lot Size Map relevant to the subject site from 2,500m² to 1,000m². This amendment will allow the applicant to increase the lot yield under the present zoning from approximately 26 lots to approximately 64 lots, an increase of 38 lots. As part of the planning proposal, the applicant is offering to construct the Flood Evacuation Route and a bus route as a Voluntary Planning Agreement.

BACKGROUND:

In 1998 Council adopted an Urban Land Strategy which identified five areas for future urban development. These areas included Pitt Town, Vineyard, North Bligh Park, Wilberforce and North Richmond.

In 2000 Council resolved to prepare a draft Local Environmental Plan to rezone land at Pitt Town for residential purposes. A Local Environmental Study was subsequently prepared by Connell Wagner which identified three growth scenarios, low (495 lots), medium (730 lots) and high (1,405 lots).

In 2003 Council adopted the Local Environmental Study and resolved to prepare a draft Hawkesbury Local Environmental Plan based on a revised medium growth scenario of approximately 690 lots. Subsequently Hawkesbury Local Environmental Plan 1989 (Amendment 145) was gazetted on 18 August 2006.

In 2007 the NSW State Emergency Service had indicated that no more than 1,100 lots could be safely evacuated without major flood evacuation route upgrades. However, this would reduce the safety factor to zero.

Council at its meeting of 31 July 2007 resolved to prepare a draft local environmental plan to rezone additional land at Pitt Town. The proposed additional development on the land owned or controlled by Johnson Property Group was determined to be a Major Project under Part 3A of the *Environmental Planning and Assessment Act 1979* on 12 October 2007.

On 10 July 2008, the Minister for Planning approved the Concept Plan which provided for an additional 893 lots, given the 1,100-lot yield capacity indicated by the NSW State Emergency Services further expanded the lot yield opportunity for Pitt Town. Six hundred and forty-seven (647) lots were attributed to Johnson Property Group with the remaining 246 lot being made up from other potential developers.

On 18 July 2008 an amendment to *State Environmental Planning Policy (Major Projects) (Pitt Town) 2008* was gazetted. This had the effect of replacing the controls relating to Pitt Town with the Hawkesbury Local Environmental Plan 1989 to be consistent with the Concept Approval, issued on 10 July 2008.

In order to implement the provisions of the Part 3A Concept Plan approval, the Hawkesbury Development Control Plan 2002 (DCP) was subsequently amended by way of an updated chapter for Pitt Town, Part E Chapter 4. This updated chapter came into effect on 19 February 2009. The DCP chapter divides the Pitt Town Development Area into precincts, and the subject site is located within the Precinct E – Cattai precinct.

HAWKESBURY LOCAL PLANNING PANEL MEETING

SECTION 1 – Reports for Advice

Meeting Date: 18 August 2022

A planning proposal (LEP005/13) for the subject site was previously considered by Council. The timeline of that proposal is shown below:

Date	Matter
26 November 2013	<p>Council considered a report for a planning proposal (LEP005/13) for the subject site (Lots 1-4 DP 1057585 and Lots 2 & 3 DP 808945, Part Lot 1 DP 808945 and Part Lot 2 DP 555257 – Mitchell Road, Pitt Town).</p> <p>Council resolved that <i>“Council does not support the planning proposal in its current form (and) “Should the applicant wish to pursue the proposal they be requested to provide additional strategic and economic justification for further consideration by Council”.</i></p>
25 November 2014	<p>Council considered a further report with a recommendation to support the preparation of a revised planning proposal to enable subdivision of the land with a Minimum Lot Size of 1,500m² and resolved to defer the matter to allow a further meeting between the applicant and council staff.</p>
December 2014	<p>A meeting was held between the applicant and Council staff to discuss the strategic merit of the proposal and flood evacuation capacity within Pitt Town.</p>
10 March 2015	<p>A revised planning proposal report with a Minimum Lot Size of 1,500m² was considered by Council where it resolved in part to:</p> <p><i>“Support the preparation of a revised planning proposal, and</i></p> <ul style="list-style-type: none"> • <i>Council prepares an amendment to Chapter 4 Pitt Town, Part E of the Hawkesbury Development Control Plan 2002 for the relocation of the proposed flood evacuation route and any other minor changes as required.</i> • <i>The applicant’s revised planning proposal be forwarded to the Department of Planning and Environment for a Gateway determination.”</i>
31 March 2016	<p>The Gateway Determination dated 31 March 2016 did not support the planning proposal, however, encouraged the resubmission of the planning proposal with consideration of the recommendations of the Hawkesbury-Nepean Flood Management Taskforce that was released in late 2015.</p> <p>The Gateway Determination also stated that the revised planning proposal should include:</p> <ul style="list-style-type: none"> • an evacuation capacity assessment considering regional and cumulative impacts and be prepared in consultation with the State Emergency Services and Hawkesbury-Nepean Valley Flood Management Taskforce. • Consideration also needs to be given to the possibility of raising the roads access, and the Office of Environment and Heritage-Flood Risk Management Division needs to be consulted regarding the impacts of the fill on the site in relation to flood behaviour. • A preliminary investigation report for contamination in accordance with Managing Land Contamination – Planning Guidelines SEPP 55 Remediation of Land. • Establish the need for the planning proposal.

HAWKESBURY LOCAL PLANNING PANEL MEETING

SECTION 1 – Reports for Advice

Meeting Date: 18 August 2022

Subject Site:

This new planning proposal applies to 30A, 30B, 30C and 34 Mitchell Road, Pitt Town being Lots 1-4 in DP 1057585. The subject site is located on the northern side of Mitchell Road and is 7.98 hectares across four lots as follows:

Lot No:	Deposited Plan	Area	Use
1	10575858	2.0 ha	Dwelling
2	10575858	2.0 ha	Vacant
3	10575858	2.0 ha	Vacant
4	10575858	1.98 ha	Vacant

The subject site is generally flat and is mostly clear land, and is above 20m AHD. There is a dwelling on Lot 1, and some garden plantings associated with the dwelling. The rest of the subject site is vacant and there is no native vegetation on the subject site. Figure 1 below illustrates the subject site.

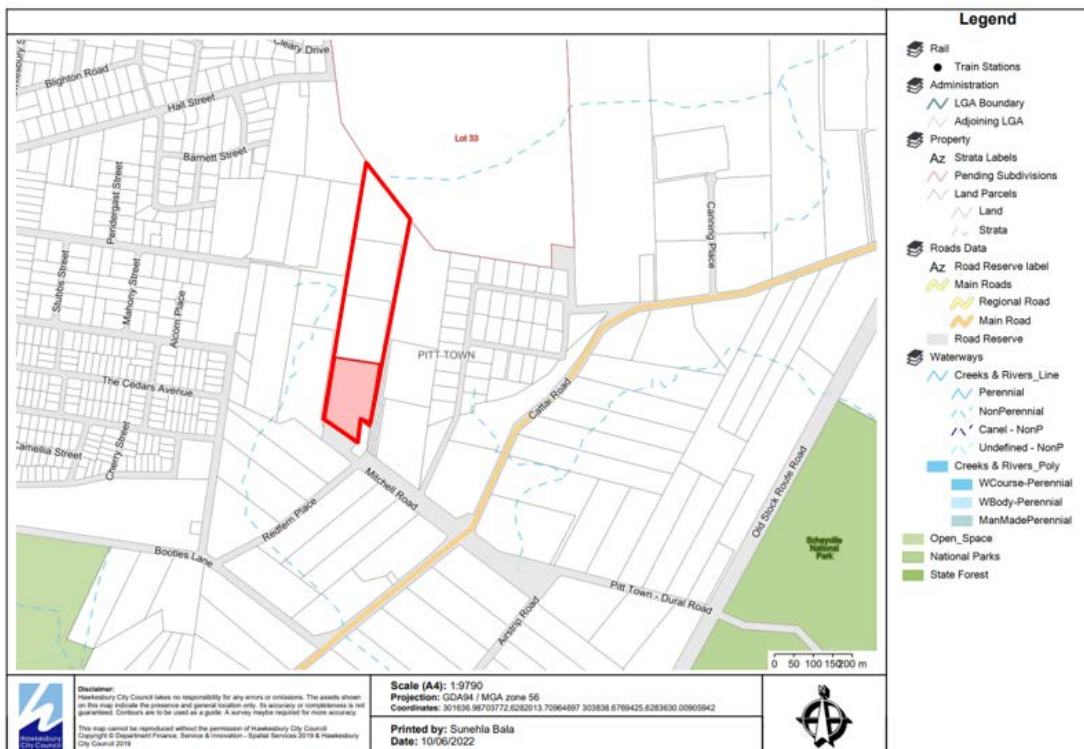


Figure 1: Subject Site

HAWKESBURY LOCAL PLANNING PANEL MEETING

SECTION 1 – Reports for Advice

Meeting Date: 18 August 2022

Existing Planning Controls:

Table 1 below illustrates the current planning controls for the subject site.

Table 1: Current Planning Controls

Zone	The subject site is zoned R5 Large Lot Residential.
Minimum Lot Size	The Minimum Lot Size provision for the subject site is 2,500m ² .
Height of Buildings	The Height of Buildings provision is 10m.
Acid Sulfate Soil	The subject site is affected by Class 5 Acid Sulfate Soil.
Flood	The subject site is not affected by the 1 in 100 ARI flood.
Biodiversity	The subject site is affected by biodiversity – endangered ecological communities and connectivity between remnant vegetation, as shown in Figure 2 below.
Sewer Scheme	The subject site is not connected to sewer. However it is identified as the Pitt Town Water Future Development through the GIS mapping.
Sydney Water	The subject site is serviced by Sydney Water connection.
Heritage	The subject site does not contain any heritage listed item and there is no adjoining heritage listed item.
Bushfire Prone Land	The subject site contains bushfire vegetation buffer, as shown in Figure 3 below.

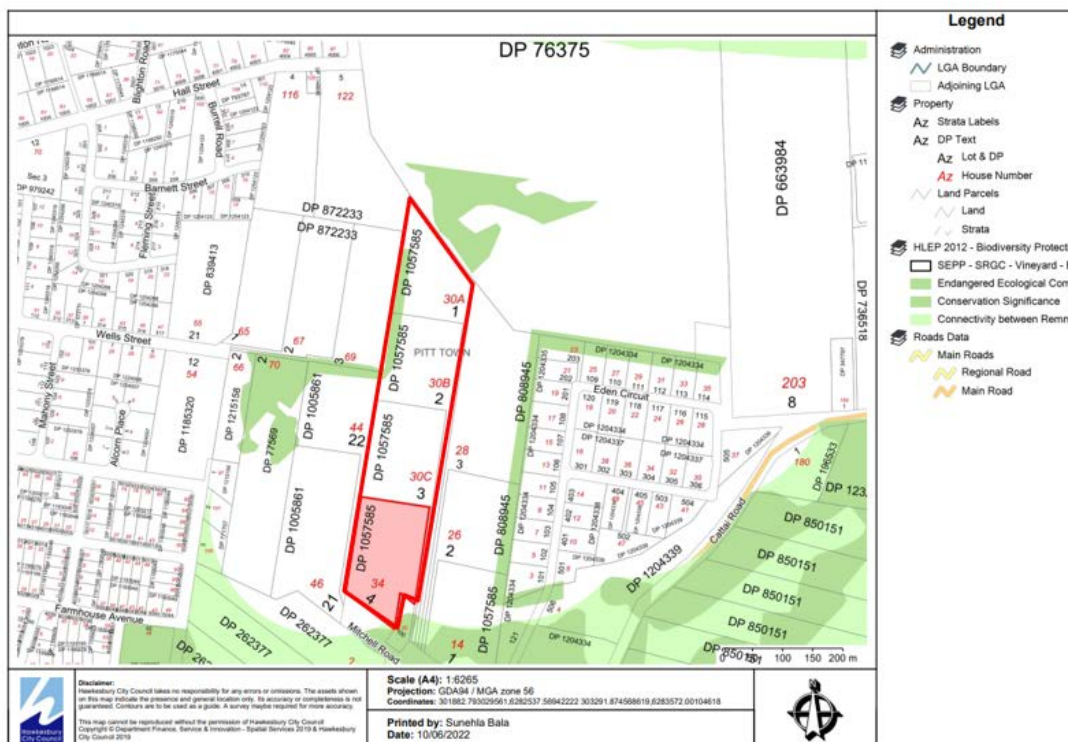


Figure 2: Biodiversity

Council's mapping system indicates that the subject site contains endangered ecological community within Lots 1 and 2. Lot 4 contains connectivity between remnant vegetation at the south corner of the

HAWKESBURY LOCAL PLANNING PANEL MEETING

SECTION 1 – Reports for Advice

Meeting Date: 18 August 2022

lot. However, over the passage of time since that mapping there may have been changes to the biodiversity on the subject site. If required, a current Biodiversity Report could be requested from the applicant should the planning proposal progress.

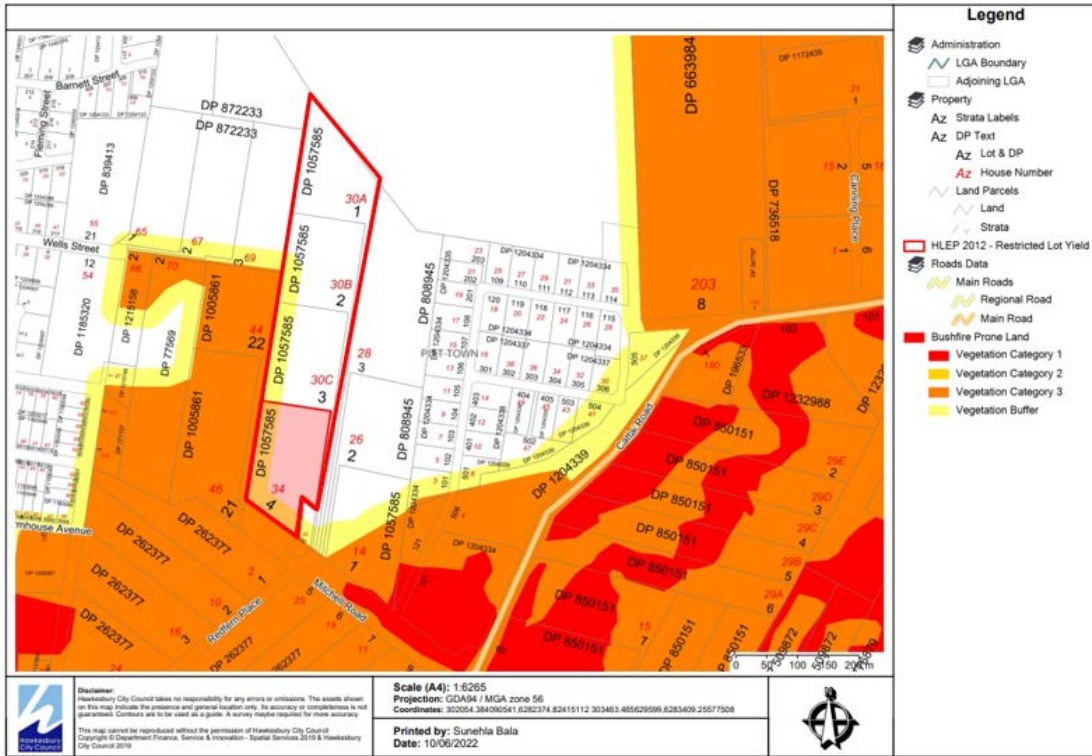


Figure 3: Bushfire Prone Land

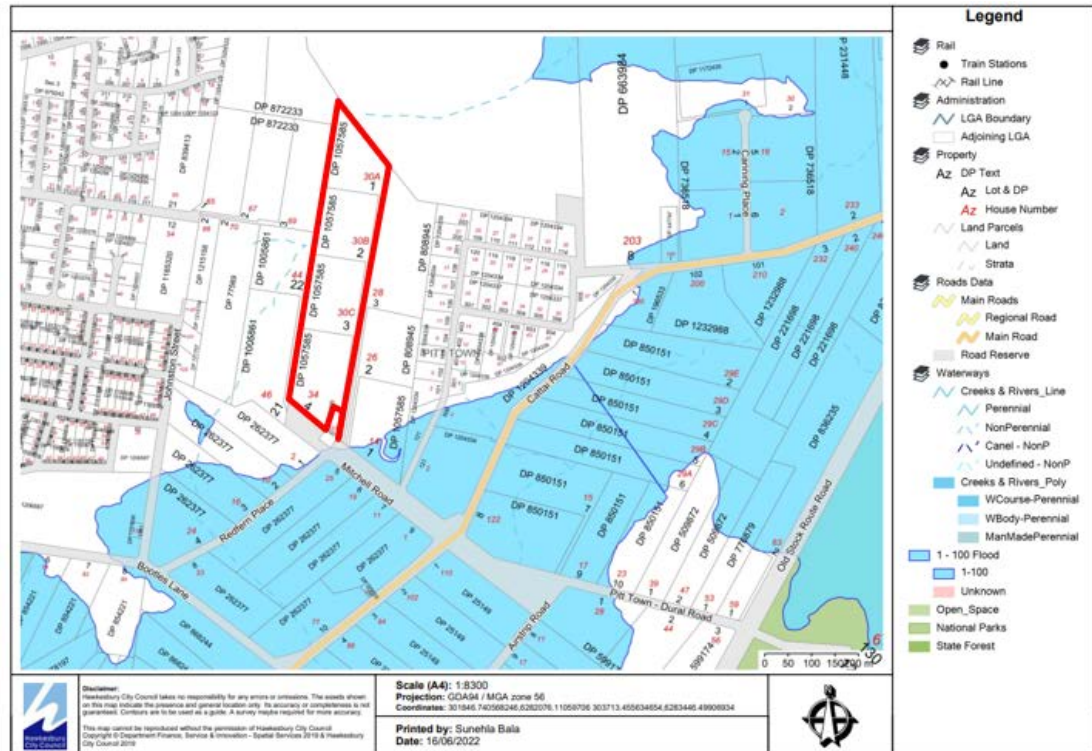


Figure 4: Flood Map

The subject site is not affected by the 1 in 100 ARI flood, but it should be noted that the area becomes a flood island in such a flood event.

Response to Gateway Determination comments dated 31 March 2016 for LEP005/13:

An evacuation capacity assessment considering regional and cumulative impacts and be prepared in consultation with the State Emergency Services and Hawkesbury-Nepean Valley Flood Management Taskforce.

The applicant engaged Molino Stewart Environmental and Natural Hazards to provide the flood evacuation capacity to support the planning proposal. The report states that the NSW SES flood response strategy for the Hawkesbury Nepean Valley is set out in the Hawkesbury Nepean Flood Emergency Sub Plan (NSW SES, 2020). It involves evacuating all residential, business and other premises that are at risk of flooding and directing evacuees to Sydney Olympic Park. Those who could not be assisted to the Sydney Olympic Park are expected to find their own temporary accommodation with friends and relatives or at commercial accommodation outside of the floodplain.

To achieve orderly and timely evacuation, the NSW SES has divided the floodplain into sectors and subsectors with designated evacuation routes. The proposed development is part of the Pitt Town Sector which has its evacuation route away from the floodplain via Old Pitt Town Road.

Currently the lowest point along this route lies at 16m AHD. The NSW SES therefore plans to evacuate the whole of the Pitt Town Sector before this level is reached because the sector becomes an island surrounded by floodwaters and in the most extreme floods there would only be a very small area in Pitt Town which would be above the Probable Maximum Flood level.

The Bureau of Meteorology is currently advising the NSW SES that in extreme floods it can give at least 9 hours warning of forecast flood levels with a reasonable degree of accuracy based on fallen rainfall measurements and stream gauge readings. It can make river level forecasts using forecast rainfall, but this is not sufficiently accurate for the NSW SES to be willing to rely upon it to order a mass evacuation.

According to the flood evacuation modelling technique applied by the NSW SES, it is assumed that the maximum rate at which vehicles can travel along the evacuation routes in flood generating weather conditions is 600 vehicles in an hour per lane of traffic. Other assumptions include:

- NSW SES personnel will be mobilised based on forecast rainfall and will be ready to issue an evacuation order as soon as a forecast of 16m AHD or higher is issued by the Bureau based on fallen rain.
- Evacuation messages will be broadcast but backed up by door knocking to ensure that all evacuees receive the message and that there will be sufficient human resources to complete the door knocking in the required time.
- There will be an average delay of one hour while message recipients decide whether the order applies to them and a further one-hour delay as they get ready to evacuate.
- There may be delays along the evacuation route due to accidents, breakdowns or water, trees or power lines across the road and the duration of these delays will increase with the amount of traffic evacuating.

The Gateway Determination for LEP005/13 also had the following requirements/comments:

- *Consideration also needs to be given to the possibility of raising the roads access, and the Office of Environment and Heritage- Flood Risk Management Division needs to be consulted regarding the impacts of the fill on the site in relation to flood behaviour.*
- *A preliminary investigation report for contamination in accordance with Managing Land Contamination – Planning Guidelines SEPP 55 Remediation of Land.*

- *Establish the need for the planning proposal.*

Infrastructure and Services:

The proposed additional residential lots will utilise the current infrastructure, public transport and services. No additional infrastructure is required to support the development except for the flood evacuation route, that will form part of the subject site development. The Pitt Town local shops and other retail and commercial outlets at McGraths Hill have the capacity to provide the day-to-day services to additional residents. The Mulgrave train station is also in relatively close proximity to the subject site via car.

Heritage Significance:

The subject site does not include any heritage significant items and is not within the Pitt Town Heritage Conservation Area. The Pitt Town Heritage Map of Hawkesbury LEP 2012 identifies the Pitt Town small village including the subject site as potential archaeological sites and places of Aboriginal significance. Appropriate development conditions ensuring no adverse impacts on potential archaeological sites could be imposed in future development approvals for land within Pitt Town Heritage Map area.

Surrounding Developments:

Surrounding development is typically R5 Large Lot Residential development and RU4 Primary Production Small Lots. Parcels immediately adjacent to the subject site are similar larger lots which could have the potential for further subdivision as well subject to undertaking a planning proposal process. Land adjoining to the north is cleared pasture, with some evidence of previous agricultural use. This land is zoned R5 Large Lot Residential with a minimum subdivision lot size of 2,000m² to 2,500m² but is yet to be developed. The land immediately adjoining to the east is zoned R5 Large Lot Residential with a minimum subdivision lot size of 2,500m² and is yet to be developed.

The land to the south-east of the site, on the corner of Mitchell Road and Cattai Road, is zoned R5 Large Lot Residential and has been developed into residential lots of 2,500m². The land immediately adjoining to the west is zoned RU4 Primary Production Small Lots and has a minimum lot size of 2ha. This land was not included in the original Part 3A Concept Plan approval for the Pitt Town development area as it is a former quarry and is lower than the surrounding land and is affected by flooding. This RU4 land is utilised for stormwater drainage infrastructure and rural residential uses as shown in Figure 5.

The land further west of the subject site has been developed with various Minimum Lot Sizes ranging from (south to north) 650m², 750m², 2,000m². For the land between Wells Street and Hall Street, a lot averaging provision permitting 1,500m² with a lot density not greater than 5 lots per hectare. It should be noted that most of the area between Wells and Hall Streets is a greater distance from the Pitt Town village centre than the subject site. Land on the southern side of Mitchell Road was not included in the Pitt Town Development area and is used for rural residential purposes and is zoned RU4 Primary Production Small Lots.

The RU4 Primary Production Small Lots are mainly used for residential purposes or is vacant. Figures 5, 6 and 7 illustrates the surrounding developments.

HAWKESBURY LOCAL PLANNING PANEL MEETING

SECTION 1 – Reports for Advice

Meeting Date: 18 August 2022

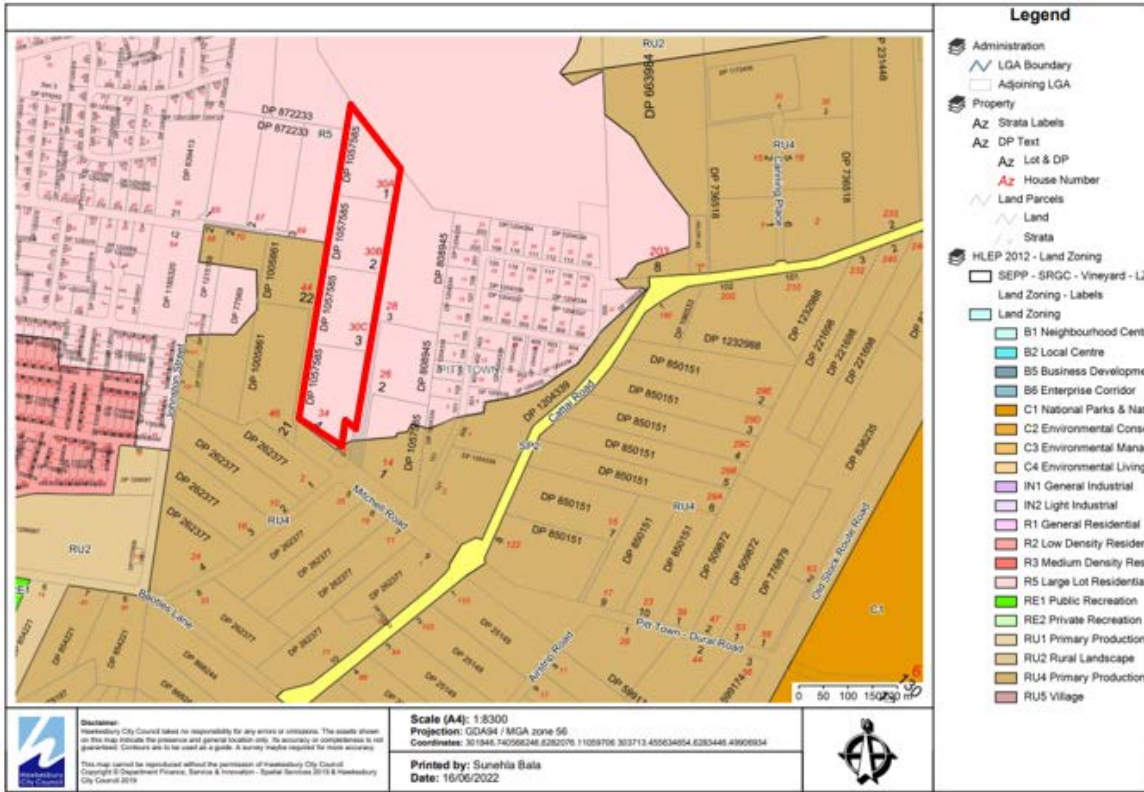


Figure 5: Surrounding Development – Zoning Map

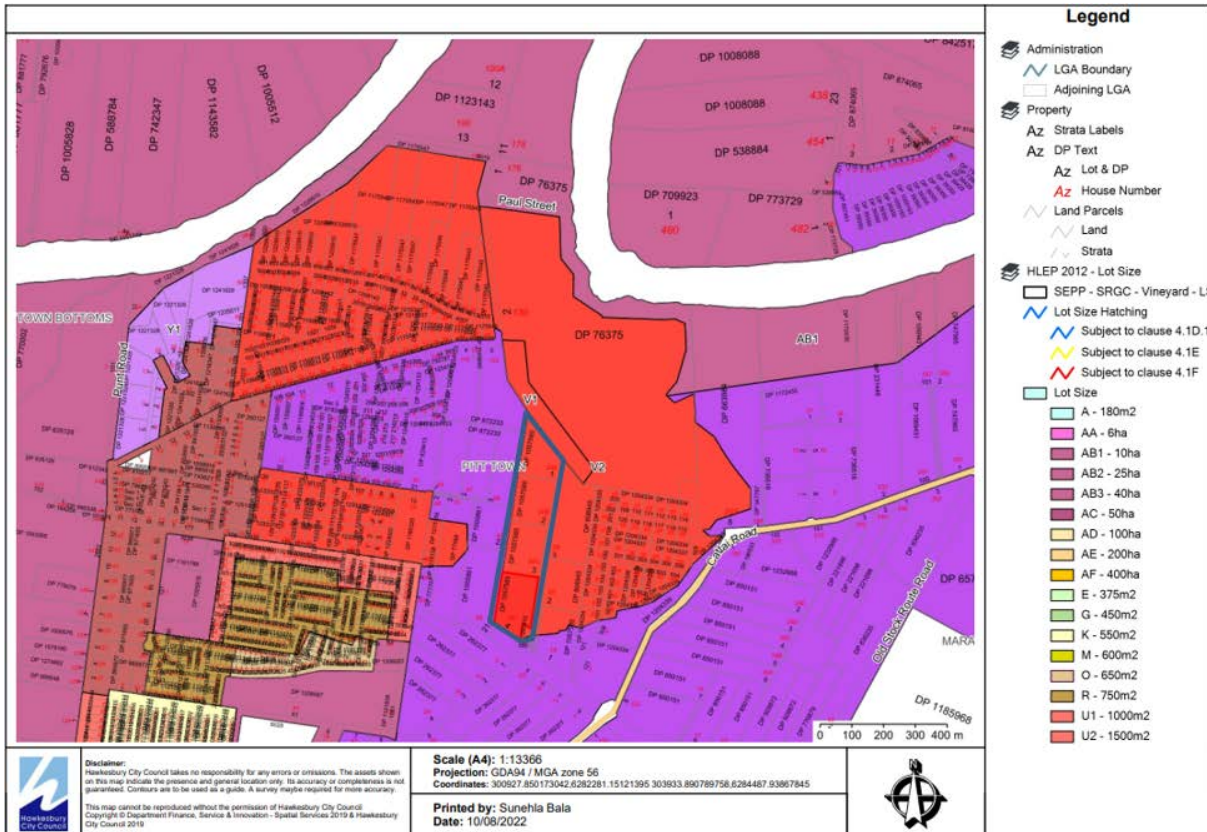


Figure 6: Surrounding Development – Minimum Lot Size Map

HAWKESBURY LOCAL PLANNING PANEL MEETING

SECTION 1 – Reports for Advice

Meeting Date: 18 August 2022

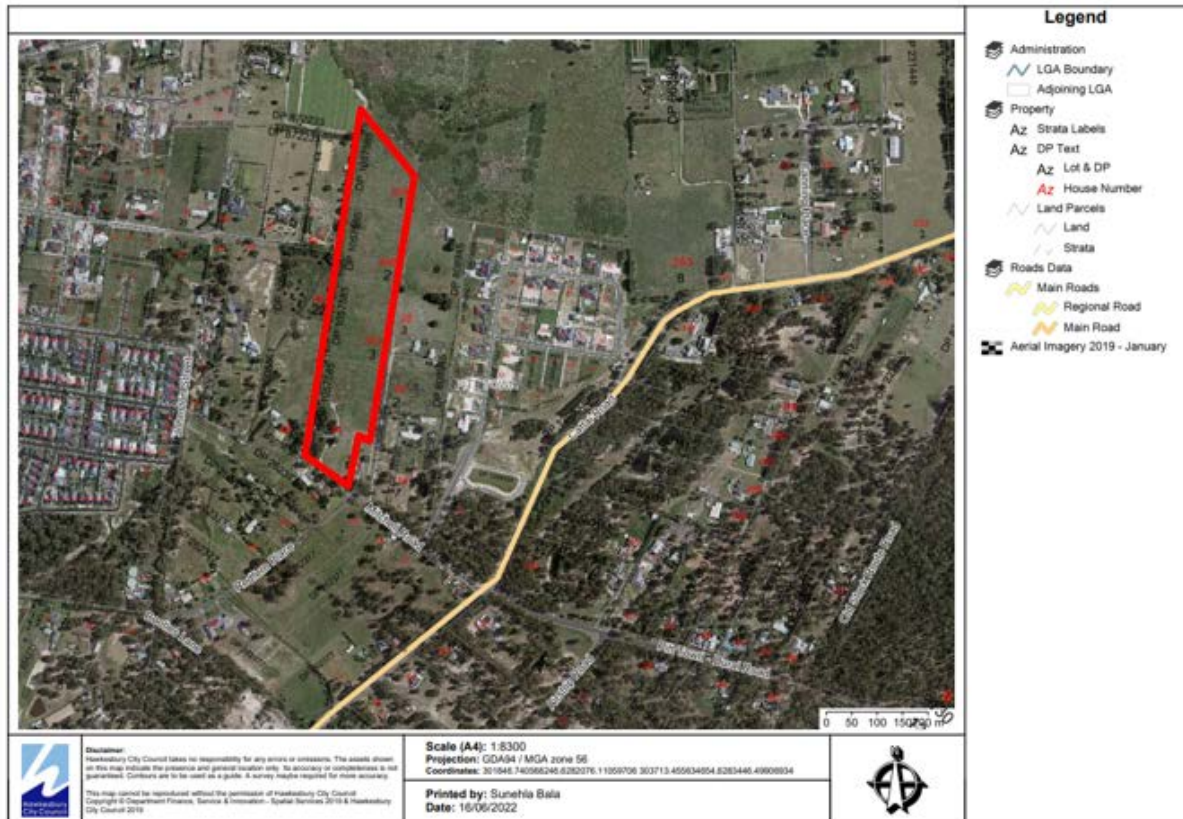


Figure 7: Subject Site and Surrounding Development – Aerial Map

Discussion:

Below is the discussion in relation to the planning proposal.

Planning Proposal:

The applicant is seeking an amendment to the Hawkesbury LEP 2012 to enable the subdivision of the subject site into approximately 64 lots with a Minimum Lot Size of 1,000m². Under the present planning controls, the subject site can yield approximately 26 lots. Under the proposed planning controls, the subject site will be able to yield an additional 38 lots.

The owners of the subject site have indicated that they would facilitate construction of the section of Pitt Town Evacuation Route which runs along the north, eastern boundary and through the subject site at their expense under a Voluntary Planning Agreement.

Applicant's justification of the Planning Proposal:

A copy of the planning proposal is included as Attachment 1. The applicant has provided the following justification for the planning proposal:

1. The planning proposal will provide significant public infrastructure in the form of a 1,147m section of the Pitt Town Flood Evacuation Route at no cost to the community.
2. Construction of the Pitt Town Flood Evacuation Route and designated bus transport road is dependent upon this planning proposal proceeding.
3. The risk to residents of Pitt Town in times of flooding will be significantly reduced.

HAWKESBURY LOCAL PLANNING PANEL MEETING

SECTION 1 – Reports for Advice

Meeting Date: 18 August 2022

4. The Flood Evacuation Route will assist the State Emergency Services and reduce the risk to life during flood evacuation.
5. The proposal will facilitate additional housing opportunities in an area of high amenity with access to services.
6. The proposal will provide a variety of cheaper housing choices, consistent with government and Council policy.
7. The land is already zoned R5 Large Lot Residential, therefore there will be no change in character.
8. The proposal will make use of existing infrastructure; therefore, no additional infrastructure is required.
9. There are no adverse environmental or visual impacts arising from this planning proposal.
10. The proposal is consistent with all relevant State, Regional and Local Strategies.

Furthermore, the applicant suggests the following are the community benefits as a result of the subject planning proposal:

- A significant section of the Pitt Town Evacuation Route (estimated 1.147km in length) will be constructed at no cost to the community.
- Reduce the risk to existing and future residents in dangerous times of flooding by providing a safe evacuation route.
- Reducing the risks to human life during the time of flooding.
- Allowing the SES to evacuate residents safely by road.
- The subdivision works would include the construction and dedication of the section of the Pitt Town Flood Evacuation Route which runs through the subject site.
- Utilising existing services and infrastructure to full capacity.
- To provide the designated bus service road.

Proposed Min Lot Size Provisions Vs Flood Evacuation Rationale:

In 2007, the NSW SES predicted that a maximum of 1,100 additional lots could be added to the existing residential capacity in Pitt Town. However, these additional lots would reduce the existing Flood Evacuation Factor of Safety to zero. It further advised that any reduction in evacuation factor of safety is a decision for Council and the community, not the NSW SES. Attachment 2 includes an audit of lots developed within Pitt Town since the date of the NSW SES advice on evacuation capacity of the Pitt Town Evacuation Route.

There are two scenarios that are considered in order to assist the justification of this planning proposal:

Scenario 1: *Giving the subject site the Minimum Lot Size provision could create a precedent for other large lot owners applying for similar planning proposals – hence potentially exceeding the lot capacity of Pitt Town Precinct.*

Under the current LEP and DCP provisions the subject site can be subdivided into lots of 2,500m² minimum lot size. However, the planning proposal seeks to increase the lot yield by approximately 150% with the proposed 1,000m² minimum lot size for the site. If the Minimum Lot Size provision is given to the subject site, this could potentially create a precedent and other surrounding larger lot owners could put in a planning proposal to subdivide their land with 1,000m² lot provisions.

Council staff have modelled two scenarios, first, the feasibility of 1,000m² lot size and secondly the feasibility of 1,500m² lot size provisions.

HAWKESBURY LOCAL PLANNING PANEL MEETING

SECTION 1 – Reports for Advice

Meeting Date: 18 August 2022

The following assumptions were used:

- The current lot numbers within Bona Vista, Fernadell, Blighton and Cleary precincts will remain unchanged.
- 80% of the landowners within the remaining precincts (Thornton, Central, Cattai and Thornton East) are likely to also seek to subdivide their land into 1000m² lots.
- Roads are assumed to occupy 20% of land area

With the minimum lot size provision of 1,000m², a total of 617 lots could be yielded through subdivision within Thornton, Central, Cattai and Thornton East sub-sectors of Pitt Town.

With the minimum lot size provision of 1,500m², a total of 401 lots can be yielded through subdivision within Thornton, Central, Cattai and Thornton East sub-sectors of Pitt Town. See Table 2 below.

Table 2: 1000m² and 1500m² Lots Forecast

Precinct	Net Land Area Available for Subdivision (ha)	Possible net additional lots (1000m ²)	Possible net additional lots (1500m ²)
Thornton	12.71	127	85
Central	27.65	276	184
Cattai	14.27	192	117
Thornton East	2.24	22	15
Total	56.87	617	401

The current net additional lots within the Pitt Town residential precinct are 647 under Part 3A approval (see Table 2 below). Given the NSW SES maximum flood evacuation capacity of 1,100 additional lots, the Pitt Town residential precinct can accommodate an additional 453 (1,100 – 647) lots within the precinct without compromising the safe evacuation plan for Pitt Town. However, the forecasted 617 lots with a minimum lot size of 1,000m² exceeds this capacity by 164 lots.

The forecasted additional 401 lots with a minimum lot size of 1,500m² within the Pitt Town residential precinct as shown in Table 2 above is within the Pitt Town's maximum flood evacuation capacity of 453 lots. This scenario was modelled and presented to Council in November 2015 with the previous planning proposal pertinent to the same site.

Table 3: Current Net Additional Lots within Pitt Town Residential Precinct

Precinct	Existing Lots	Proposed Lots	Net Additional Lots
Bona Vista	2	246	244
Fernadell	1	210	209
Blighton	2	19	17
Cleary	6	112	106
Thornton	1	72	71
Total under Part 3A	12	659	647

Molino Stewart Flood Evacuation and Lot Capacity Modelling:

The Molino Stewart flood evacuation advice (Attachments 3 and 4), provided with the planning proposal assessed the flood evacuation capacity at 1,500m² Minimum Lot Size provision. The assumption used in this modelling was that the maximum rate at which vehicles can travel along evacuation routes in flood generating weather conditions is 600 vehicles in an hour per lane of traffic. The modelling also considered potential delays along the evacuation route due to accidents, breakdowns or water, trees or power lines across the road which would affect the time and number of vehicles evacuating.

HAWKESBURY LOCAL PLANNING PANEL MEETING

SECTION 1 – Reports for Advice

Meeting Date: 18 August 2022

Molino Stewart further provided analysis of evacuation within the Pitt Town area as follows:

- The whole of Pitt Town Bottoms would have to be evacuated before 6.3m AHD was reached.
- The whole of Pitt Town North would have to be evacuated before 7.3m AHD was reached.
- The whole of Pitt Town South would have to be evacuated before 11.9m was reached.
- Some of Pitt Town Southeast would have to be evacuated before 15m AHD was reached.
- The whole of Pitt Town Central would have to be evacuated before 15.9m AHD was reached.

Based on the above data, the areas more vulnerable to early flooding will be evacuated earlier as the evacuation orders would be made by the Bureau of Meteorology, 9 hours before the flood levels are reached. The evacuation routes will be used at different times by different subsectors of Pitt Town based on their flood levels and evacuation orders. Given the above, not all assumed 3,068 vehicles within the Pitt Town area will not be evacuating at the same time. With this rationale, Molino Stewart had recommended safe evacuation of the additional lots with Min Lot Size of 1,500m².

However, to support the Min Lot Size of 1,000m², no such modelling has been provided.

Scenario 2: *The need for the evacuation route is deemed high and the Minimum Lot Size provision of 1,000m² is provided to the subject site to facilitate the construction of the flood evacuation route.*

Much of the justification for the planning proposal is associated with facilitating the delivery of the Pitt Town Evacuation Route. In recent flood events in March 2021, March 2022, and July 2022, there has been significant issues associated with the Pitt Town Evacuation Route. Council has called on the NSW Government to upgrade this evacuation route as soon as possible given the issues experienced in recent flood events

It is upon Council's discretion, whether to accept the offer of construction of the Flood evacuation route by the developer and as the principle benefit to supporting the planning proposal to provide the Minimum Lot Size provision of 1,000m² to the subject site.

In the case Council sees the flood evacuation route to be a high priority infrastructure which is urgently needed, then council can enter into an agreement with the owner to consider the Minimum Lot Size of 1,000m² for the subject site only, given the owner delivers the flood evacuation route as a Voluntary Planning Agreement within a set timeframe.

To further control any future planning proposals that would seek to amend the Hawkesbury LEP 2012 to allow reduced Minimum Lot Size provision for other larger lots, a Local Clause could potentially be inserted in the Hawkesbury LEP 2012 to identify that the subject site was only considered for a 1,000m² Minimum Lot Size provision in order to deliver the necessary flood evacuation route.

It should also be noted that despite the flood evacuation route being delivered by the owners of the subject site, there will remain a missing link of the road between Hall Street and the new flood evacuation route. This portion of the proposed flood evacuation route passes through Lot 5 DP 872233 and Lot 2 DP 76375 (Thornton). However, the delivery of the flood evacuation route by the owners of the subject site will still unlock the evacuation capacity by making it easier to connect to Mitchell Road and out through Cattai Road.

The owner of the subject site has indicated that the construction of the flood evacuation route will be under the Voluntary Planning Agreement. This is considered to be the only means to facilitate the delivery of the flood evacuation route through a Voluntary Planning Agreement.

HAWKESBURY LOCAL PLANNING PANEL MEETING

SECTION 1 – Reports for Advice

Meeting Date: 18 August 2022

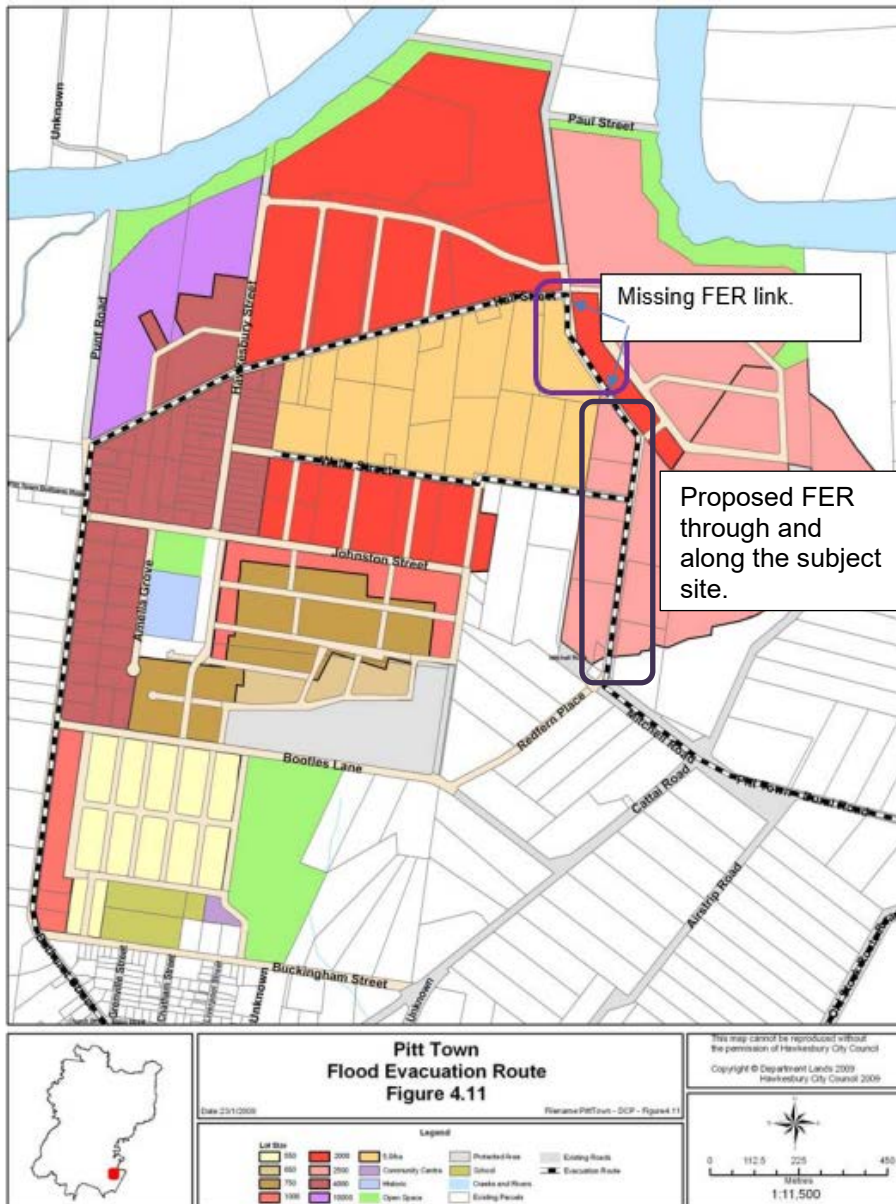


Figure 8: Proposed Flood Evacuation Route Relevant to the Subject Site

Consistency with the State and Regional studies and strategies:

The planning proposal is not inconsistent with the State and Regional studies and strategies. However, the majority of the Hawkesbury Local Government Area is classed as Metropolitan Rural Area and the objective of Metropolitan Rural Area informs that urban development is not consistent with the values of the Metropolitan Rural Area. It also reinforces that Greater Sydney has sufficient land to deliver its housing needs within the central boundary of urban area, including existing growth areas and urban investigation areas.

However, there is a need to consider opportunities within existing towns and villages for small levels of growth to meet needs that do not compromise the Metropolitan Rural Area. There is a need to meet the local demand to live and work in the rural towns and villages of the Hawkesbury while conserving and enhancing the local and cultural heritage values and character.

Considering that the Hawkesbury Local Housing Strategy did identify that the Hawkesbury lacks housing diversity, mostly smaller dwellings to meet the changing needs of the community, specifically

HAWKESBURY LOCAL PLANNING PANEL MEETING

SECTION 1 – Reports for Advice

Meeting Date: 18 August 2022

for empty nesters and young adults who want to leave home and live on their own. The local government area also lacks student housing and social and affordable rental housing. The proposed development is very likely to develop single family sized dwellings. This development does not really meet the housing diversity gap that the local government area currently has. The current greenfield development of Redbank, Glossodia and the Vineyard land release has created enough capacity to meet the housing need of the local government area for the next 5 to 10 years. Enabling smaller lots will enable the local government area to increase the housing capacity within the current capacity and provide a choice for young families who are raising their children.

Consistency with the State Environmental Planning Policies:

The planning proposal is generally consistent with the State Environmental Planning Policies.

Consistency with the Local Planning Directions:

The planning proposal is generally consistent with the local planning directions.

Legislative Council Response to major flooding across NSW in 2022 (Report no.1):

The response to major flooding across NSW in 2022 was released by the NSW Parliament Legislative Council on 9 August 2022. The report suggested 37 recommendations to improve the management of flood related disasters in NSW, of which Recommendation 12 and 13 were of relevance to the Hawkesbury LGA.

Recommendation 12: That the NSW Government allocate funding to the improvement of the Pitt Town Evacuation Route and other key possible evacuation routes in Sydney's northwest.

Recommendation 13: That the NSW Government work with local governments to identify alternative routes to vulnerable roads, and that the NSW and Australian Governments fund the construction of these important routes to improve evacuation and access options in times of disaster.

Conclusion:

The planning proposal seeks to amend the Hawkesbury LEP 2012 to reduce the Minimum Lot Size provision for the subject site from 2,500m² to 1,000m² to enable approximately an additional 38 lots on the subject site. Previously, Council had considered a planning proposal over the subject site for similar provisions. The planning proposal was not approved by the Department of Planning and Environment. The current planning proposal is based on the merit that the applicant will provide the proposed flood evacuation route that runs along and through the subject site as part of the development approval.

Two potential scenarios have been discussed in this report.

- Scenario 1: Considering the potential that providing the subject site with a Minimum Lot Size provision of 1,000m² could create a precedent for other large lot owners to apply for similar planning proposals which could exceed the evacuation capacity of Pitt Town Evacuation Route.
- Scenario 2: The need for the evacuation route is deemed high and the Minimum Lot Size provision of 1,000m² is provided to the subject site to facilitate construction of the Pitt Town Evacuation Route.

HAWKESBURY LOCAL PLANNING PANEL MEETING

SECTION 1 – Reports for Advice

Meeting Date: 18 August 2022

ATTACHMENTS:

AT - 1 Mitchell Road Pitt Town Planning Proposal - *(Distributed under separate cover)*.

AT - 2 HCC Dwelling Audit.

AT - 3 Molino Stewart Pitt Town Flood Evacuation Advice.

AT - 4 Molino Stewart Pitt Town Flood Evacuation Capacity.

HAWKESBURY LOCAL PLANNING PANEL MEETING**SECTION 1 – Reports for Advice**

Meeting Date: 18 August 2022

AT -2 HCC Dwelling Audit**AUDIT OF EXISTING AND POTENTIAL DWELLINGS****PITT TOWN STUDY AREA**

Prepared by HAWKESBURY City Council February 2022

Pitt Town - SES Subsectors	Number of Additional Lots Created since 2003 (capable of Accommodating Dwellings)	Notes	Number of Potential Lots (Approvals & existing planning provisions)
Pitt Town North	0	A number of lots in the Cleary Precinct extend into this subsector but the area for dwellings is contained within the Pitt Town Central Subsector and included within that Subsector	0
Pitt Town Bottoms	1	Some lots have been created for agricultural purposes with conditions on the Title that they are not to be used for dwellings and as such have not been included in the calculation of additional lots. Since 2003, a number of other lots have been resurveyed (deed survey) from the original land grant and as such do not create additional lots. Most recent subdivision on a wider scale within the subsector occurred in the 1980's and 1990's	0
Pitt Town Central	724	Forms the bulk of recent and continuing subdivision within the Pitt Town Subsector with some precincts still active in terms of delivering additional lots	231 Includes Thornton, Thornton East, Blighton, Central and Ghantous land
Pitt Town South East	2	Some recent subdivision for road widening purposes which did not create additional lots. Most recent subdivision on a wider scale within the subsector occurred in the 1960's 1970's and 1980's	0

HAWKESBURY LOCAL PLANNING PANEL MEETING

SECTION 1 – Reports for Advice

Meeting Date: 18 August 2022

Pitt Town - SES Subsectors	Number of Additional Lots Created since 2003 (capable of Accommodating Dwellings)	Notes	Number of Potential Lots (Approvals & existing planning provisions)
Pitt Town East	NA	Subsector has rising road access to an evacuation route so not applicable to cap provided by SES	0
Pitt Town South	NA	Subsector has rising road access to an evacuation route so not applicable to cap provided by SES	0
Pitt Town South B	NA	Subsector has rising road access to an evacuation route so not applicable to cap provided by SES	0
Total	727	Provides for spare capacity of 273 additional lots based on 1,000 lot cap or, 373 additional lots if upgrades to evacuation routes are undertaken to reduce the risk	231 (Provides for spare capacity of 42 additional lots above approvals & existing planning provisions) based on 1,000 lot cap, or, 142 additional lots if upgrades to evacuation routes are undertaken to reduce the risk

HAWKESBURY LOCAL PLANNING PANEL MEETING

SECTION 1 – Reports for Advice

Meeting Date: 18 August 2022

AT - 3 Molino Stewart Pitt Town Flood Evacuation Advice



29 January 2019

Mr Bassam Ghantous
BJ Ghantous & Co Pty Ltd
PO Box 299
Windsor NSW 2756

Dear Bassam,

Re: Flood Evacuation Advice for Mitchell Road, Pitt Town

Thank you for inviting Molino Stewart to provide flood evacuation advice for the proposed development at 30 Mitchell Road, Pitt Town. This letter sets out:

- The background to your development proposal and the reason for the flood evacuation analysis
- the approach to modelling flood evacuation constraints to the development
- my expert opinion on the capacity of the site's development based on flood evacuation considerations alone.

Background to the Proposed Development

You are proposing a rezoning of your land in Mitchell Road along with neighbouring blocks (Lots 1, 2, 3 & 4 DP1057585, Lots 1 (part), 2 & 3 DP 808945 and (part) Lot 2 DP 555257) to permit residential subdivision.

Your planning proposal of 2013 proposed the subdivision of the land into minimum lot sizes of 1,000m² to create 116 residential lots. Hawkesbury City Council resolved not to support that planning proposal as it stated in its report to the Ordinary Council Meeting of 10 March 2015 that "there is insufficient strategic and economic justification for the proposed increase in lot yield."

However, Council encouraged a revised proposal with lower lot yields. Your revised planning proposal of March 2015 (Ghant Developments) proposed a subdivision to minimum lot sizes of 1,500m² to create 76 residential lots. This was supported in the report to the Ordinary Council Meeting of 10 March 2015.

Either planning proposal would facilitate construction of the section of the Pitt Town Flood Evacuation Route which runs between your blocks and the neighbouring blocks without the need for financial contributions from local or State Government. The Flood Evacuation Route is shown in Figure E4.11 of the Pitt Town Development Control Plan (Attachment 1).

A planning proposal for the 1,500m² lot yield was submitted for gateway determination but in March 2016 the Department of Planning advised that it had determined the planning proposal should not proceed because it "does not adequately address the current flood and flood evacuation risk associated with the development of land at Pitt Town."

It went on to state "The Department encourages Council to resubmit the planning proposal should it be revised to consider the recommendations of the Hawkesbury-Nepean Flood Management Taskforce which are expected later this year. Those recommendations will be relevant to the cumulative impacts of planning proposals on the viability of flood evacuation in the Hawkesbury Local Government area."

MOLINO STEWART PTY LTD ABN 95 571 253 092 ACN 067 774 332
PO BOX 614, PARRAMATTA CBD BC, PARRAMATTA NSW 2124 TEL: (02) 9354 0300
www.molinostewart.com.au

It went on to say “Should the proposal be resubmitted, it is recommended that it be amended to address the following:

1. A detailed flood study and revised Floodplain Risk Management Plan is required to more fully address flood risk and evacuation constraints in accordance with the requirements of s117 Direction 4.3 Flood Prone Land, the draft North East Subregional Strategy, and A Plan for Growing Sydney.

The study should include an evacuation capacity assessment considering regional and cumulative impacts, and be prepared in consultation with the State Emergency Services and Hawkesbury-Nepean Valley Flood Management Taskforce.”

To date, nothing has been released by the Hawkesbury-Nepean Flood Management Taskforce which would enable the detailed flood study and revised Floodplain Risk Management Plan to be prepared and there is no indication as to when that might occur.

You have therefore requested that I prepare a flood capacity assessment as a starting point to progress discussions between yourself, Hawkesbury Council, the Department of Planning, NSW SES and The Taskforce.

Flood Evacuation Planning

The NSW SES flood response strategy for the Hawkesbury Nepean Valley is set out in its Hawkesbury Nepean Flood Emergency Sub Plan (NSW SES, 2015). It involves evacuating all residential, business and other premises that are at risk of flooding and directing evacuees to Sydney Olympic Park. It is expected that most evacuees will find their own temporary accommodation with friends and relatives or at commercial accommodation outside of the floodplain. Those who cannot will be assisted at Sydney Olympic Park.

To achieve orderly and timely evacuation, the NSW SES has divided the floodplain into sectors and subsectors with designated evacuation routes. Your proposed development is part of the Pitt Town Sector which has its evacuation route out of the floodplain via Old Pitt Town Road.

Currently the lowest point along this route lies at 16m AHD. The NSW SES therefore plans to evacuate the whole of Pitt Town Sector before this level is reached because the sector becomes an island surrounded by floodwaters and in the most extreme floods there would only be a very small area in Pitt Town which would be above 26.3m AHD and therefore above the reach of floodwaters.

The Bureau of Meteorology is currently advising the NSW SES that in extreme floods it can give at least 9 hours warning of forecast flood levels with a reasonable degree of accuracy based on fallen rainfall measurements and stream gauge readings. It can make river level forecasts using forecast rainfall but this is not sufficiently accurate for the NSWSES to be willing to rely upon them to order a mass evacuation.

Flood Evacuation Modelling

The NSW SES applies a modelling technique to compare the time needed for evacuation with the time available for evacuation. It uses an Evacuation Timeline Model for its evacuation planning purposes (Opper et al., 2009). This model assumes that the maximum rate at which vehicles can travel along evacuation routes in flood generating weather conditions is 600 vehicles in an hour per lane of traffic.

The model also includes some other assumptions including:

HAWKESBURY LOCAL PLANNING PANEL MEETING

SECTION 1 – Reports for Advice

Meeting Date: 18 August 2022

- NSW SES personnel will be mobilised based on forecast rainfall and will be ready to issue an evacuation order as soon as a forecast of 16m AID or higher is issued by the Bureau based on fallen rain.
- Evacuation messages will be broadcast but backed up by door knocking to ensure that all evacuees receive the message and that there will be sufficient human resources to complete the door knocking in the required time
- There will be an average delay of one hour while message recipients decide whether the order applies to them and a further one hour delay as they get ready to evacuate
- There may be delays along the evacuation route due to accidents, breakdowns or water, trees or power lines across the road and the duration of these delays will increase with the amount of traffic evacuating

The model was used by NSW SES more than a decade ago to assess the capacity for additional urban development in Pitt Town. It initially prepared a report for Hawkesbury City Council which I independently reviewed for Council and then, based on some additional analysis provided by me, The NSW SES provided revised advice to Council in a letter dated 16 January 2007. That letter stated "the SES's time line model indicates that a maximum of 1,100 additional lots could be developed within the Pitt Town Sector."

That assessment was based on the following scale of development as at the date of the 2006 Census.

Sub-Sector	Exist Dwellings	Occupiable Vacant Lots	Total	Evacuation Cut-Off	Level 1 Must Start	Level 2 Must Start
Pitt Town Central	430	46	476	16m	11m (4 Dw <11m)	11.5m
Pitt Town S/East	60	28	88	13.4m for some properties	10m(2 Dw <11m)	11.5m
Pitt Town North	5	"	"	7.3m	ASAP	N/A
Pitt Town East	25	4	29	Rising Grade	8m (Dw 8-25m)	Progressive
Pitt Town South	22	0	22	11 m	7m (Dw 7-20m)	N/A
Pitt Town Bottoms	47	0	47	6.3m	ASAP (Dw 5-11m)	N/A
Sector Total	589	78	667	N/A	N/A	

Level 1 and Level 2 refer to terminology used in its Flood Emergency Plan in 2005 which made a distinction between small scale local flooding (Level 1) which required only directly threatened premises to evacuate and regional flooding (Level 2) which would require the whole of Pitt Town to evacuate.

HAWKESBURY LOCAL PLANNING PANEL MEETING

SECTION 1 – Reports for Advice

Meeting Date: 18 August 2022

The NSW SES report underpinned the approval of the Vermont Living subdivision which introduced a further 659 lots. Theoretically then there should remain capacity for the development of 441 additional lots.

The NSW SES has not fundamentally changed its evacuation modelling process since then although it has access to a more sophisticated computer modelling tool than in the past. What has changed is the NSW SES approach to determining the existing number of dwellings in an area. This is best illustrated by considering the land subject to this development proposal.

The subject land is currently subdivided into eight lots but only has four dwellings. In the past the NSW SES would have counted that as eight dwellings evacuating as per the table on the preceding page which shows the count of actual dwellings and the number of occupiable vacant lots.

However, they now take a different approach. They would say that because the land is currently zoned R5 it permits subdivision into 2,500m² lots which could yield 47 lots. Therefore the additional 39 lots (not counted in the eight lots in 2007) would have to be subtracted from the remaining capacity of 441 lots. This would reduce the remaining capacity to only 402 additional lots.

Of course there would be land other than the subject site which also has this subdivision potential under the existing zoning, further reducing the spare evacuation route capacity.

If the proposed 1,500m² lot subdivision were allowed then there would be a total of 76 lots created, an increment of 26 dwellings over the current situation (47 lots permissible under existing zoning).

Current NSWSES Evacuation Numbers

In December 2018, upon request, NSWSES provided Molino Stewart with its revised estimate of vehicles which will need to evacuate from Pitt Town during different levels of flooding. It provided residential vehicle numbers and employee vehicles which would need to evacuate. Employee vehicle numbers were provided for the years 2018, 2024, 2041 and 2056 and increase each year. A single set of residential numbers were provided but that is assumed to represent the full development of the Pitt Town Sector under existing zonings although the rate of that full development is not discussed. In other words, it assumes that the subject site has 47 residential dwellings and all similarly zoned land has been fully subdivided.

The following tables summarise these numbers by subsector in the PMF and total per event.

Total Number of Evacuating Vehicles in PMF

<i>Subsector</i>	<i>Residential Vehicles</i>	<i>Employee Vehicles</i>	<i>Total Vehicles</i>
Pitt Town Bottoms	83	37	120
Pitt Town South East B	3	1	4
Pitt Town Central	2,598	174	2,772
Pitt Town East	65	23	88
Pitt Town South	68	31	99
Pitt Town South East	135	69	204
Pitt Town North	7	15	22
Total	2,959	350	3,309

HAWKESBURY LOCAL PLANNING PANEL MEETING

SECTION 1 – Reports for Advice

Meeting Date: 18 August 2022

Total Number of Vehicles Evacuating per Event

Event	Level at Windsor (m AHD)	Residential Vehicles	Employee Vehicles	Total Vehicles
1 in 5 AEP	10.4	37	19	56
1 in 10 AEP	12.2	99	86	185
1 in 20 AEP	13.7	249	133	382
1 in 50 AEP	15.8	586	218	804
1 in 100 AEP	17.3	768	255	1,023
1 in 200 AEP	18.3	826	277	1,103
1 in 500 AEP	19.6	881	297	1,178
1 in 1000 AEP	20.4	951	309	1,260
1 in 2000 AEP	22.1	1,122	319	1,441
1 in 5000 AEP	23.8	1,388	325	1,713
PMF	26.2	2,959	350	3,309

While these tables suggest that a total of 3,309 vehicles will need to evacuate in a PMF, the situation not quite as simple as that.

Attachment 2 is a map provided by NSW SES showing each of the subsectors and the low points along the evacuation route for each of those subsectors. My interpretation of that map is:

- The whole of Pitt Town Bottoms would have to be evacuated before 6.3m AHD was reached
- The whole of Pitt Town North would have to be evacuated before 7.3m AHD was reached
- The whole of Pitt Town South would have to be evacuated before 11.9m AHD was reached
- Some of Pitt Town South East would have to be evacuated before 15m AHD was reached
- The whole of Pitt Town Central would have to be evacuated before 15.9m AHD was reached

In addition to the premises which need to evacuate before their route is cut by flooding, there will be some premises in the abovementioned subsectors and possibly in other subsectors which would flood before their evacuation route is cut and therefore would need to evacuate even earlier than suggested above.

HAWKESBURY LOCAL PLANNING PANEL MEETING

SECTION 1 – Reports for Advice

Meeting Date: 18 August 2022

Furthermore, subsectors such as Pitt Town South East and Pitt Town East have rising evacuation routes so they would be gradually evacuated as forecast levels increase to levels which are likely to flood particular premises.

Evacuation Modelling Calculations

Attachment 3 is a hydrograph of the design 72 hour PMF flood at Windsor gauge. This is indicative of the fastest rate of rise which may have to be responded to in an evacuation. Most floods would rise more slowly and a few may rise more quickly but it is the fastest rising hydrograph which is currently publicly available.

The above listed evacuation route levels are marked on the hydrograph and the corresponding times at which each is cut can be read from the time axis along the bottom. They are (to the nearest half hour):

- Pitt Town Bottoms - 6.3m AHD – 17hrs
- Pitt Town North - 7.3m AHD – 18.5hrs
- Pitt Town South - 11.9m AHD – 27 hours
- Pitt Town South East - 15m AHD – 33.5 hours
- Pitt Town Central - 15.9m AHD – 35 hours

Based on advice from the Bureau of Meteorology, evacuation of each of these subsectors would be ordered about 9 hours before these levels are reached.

The subject site is within the Pitt Town Central Subsector and its evacuation would not be called until about t=26hrs. By this time all of Pitt Town Bottoms (120 vehicles) and Pitt Town North (22 vehicles) would have to have completed their evacuations and Pitt Town South would have 1 hour remaining before its evacuation route was cut. Given that people are not expected to leave their premises within the first two hours of an evacuation order being given and the 99 vehicles from Pitt Town South have ample time to evacuate before their route is cut, it would be reasonable to assume that Pitt Town South evacuation traffic will not be using the evacuation route at the same time as that from Pitt Town Central.

On that basis, there is not likely to be more than 3,068 vehicles evacuating at the same time as Pitt Town Central subsector. In fact there could possibly be less than this if there are premises in the remaining subsectors which could flood so early that they will be gone before Pitt Town Central begins evacuating or that flood so late Pitt Town Central's evacuation route is cut before those from the other subsectors need to begin evacuating. However, to be conservative, 3,068 vehicles have been used in the evacuation modelling which represents the maximum number of vehicles evacuating if all of the land in the area were fully developed to its current zoning potential. Currently, there would be far fewer vehicles than this.

The NSW Timeline Evacuation Modelling Tool has been used for the evacuation calculations with the outputs from the tool provided in Attachment 4. This shows that there would be 0.4 hours surplus time which equates to capacity for 240 additional vehicles which is 100 additional dwellings at 2.4 vehicles per dwelling or 133 additional dwellings at 1.8 vehicles per dwelling.

As the proposed development would only result in 26 more dwellings than is permitted under the existing zoning, there is sufficient capacity within evacuation routes for Pitt Town to accommodate the additional evacuation traffic generated.

Conclusion

Using the latest evacuating vehicle estimates provided by the NSWSES and the NSWSES Timeline Evacuation Model it has been demonstrated that there should be sufficient existing

HAWKESBURY LOCAL PLANNING PANEL MEETING

SECTION 1 – Reports for Advice

Meeting Date: 18 August 2022

evacuation route capacity to accommodate the incremental evacuation traffic from a 1,500m² lot subdivision of the subject site.

Should people at the site fail to evacuate by vehicle before their evacuation route is cut, they would have rising road access for pedestrian evacuation to the high flood island above the reach of the PMF within the Vermont Living Estate to their west.

Yours faithfully

For Molino Stewart Pty Ltd



Steven Molino

Principal

Enclosures: 1

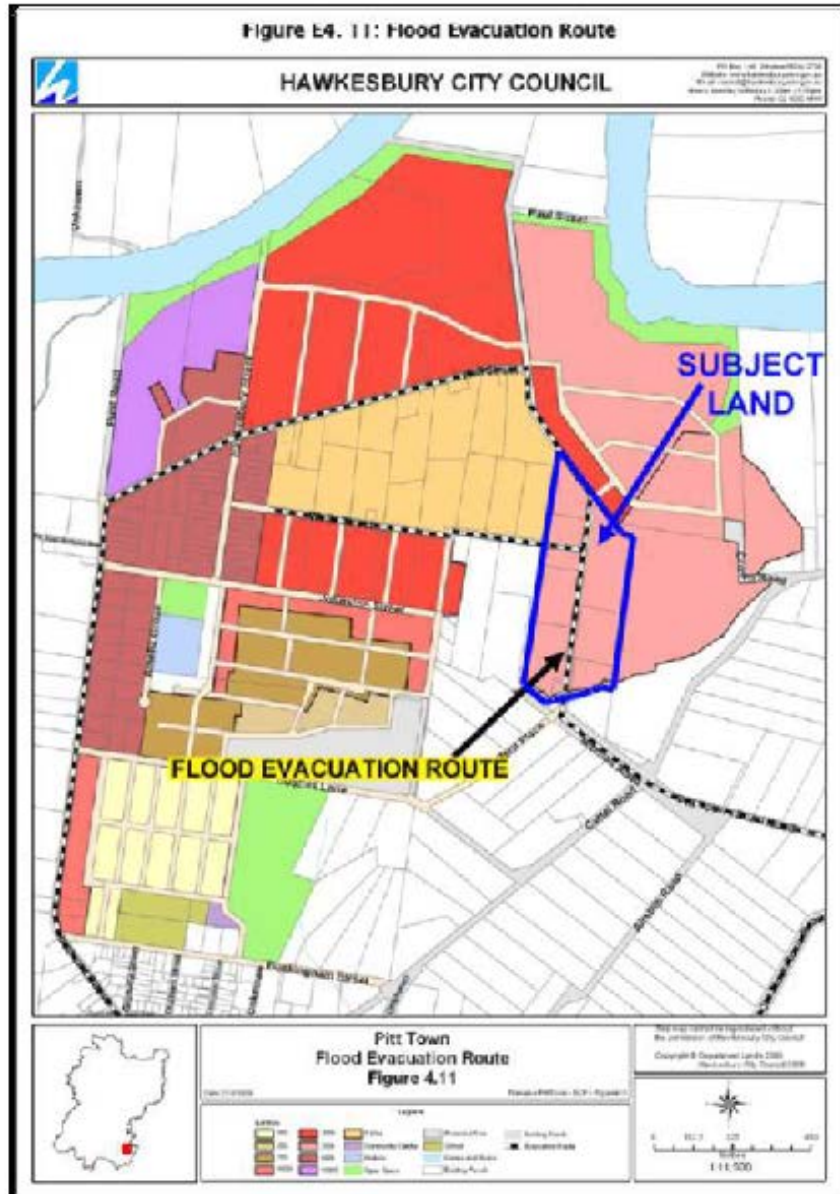
Y:\Jobs\2017\0996 Mitchell Road Pitt Town- Flood Evacuation Advice\Reports\Final\0996 Mitchell Road Pitt Town Flood Evacuation Advice - final.docx

HAWKESBURY LOCAL PLANNING PANEL MEETING

SECTION 1 – Reports for Advice

Meeting Date: 18 August 2022

Attachment 1: Extract from Pitt Town DCP showing flood evacuation route and subject site



HAWKESBURY LOCAL PLANNING PANEL MEETING

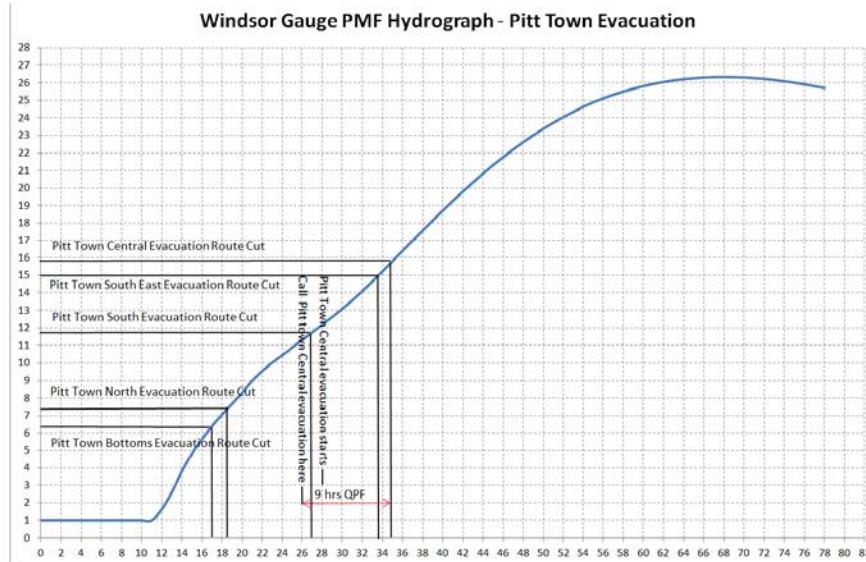
SECTION 1 – Reports for Advice

Meeting Date: 18 August 2022

Attachment 2: Pitt Town Subsectors and Evacuation Route Low Points



Attachment 3: Windsor PMF Hydrograph and Pitt Town Evacuation Route Low Points



HAWKESBURY LOCAL PLANNING PANEL MEETING

SECTION 1 – Reports for Advice

Meeting Date: 18 August 2022

Attachment 4: Results from NSWSES Timeline Evacuation Modelling Tool

Development Name:		Pitt Town
Date:		9/01/2019
Calculation ID:		Job 0996
Notes:		
Data Type	Input Data	Data Source
Residential		
Number of Dwellings		
Vehicles Per Dwelling		
(OR) Total Number of Residential Vehicles	2801	From NSW SES supplied data Dec 2018 but excluding Pitt Town Bottoms, Pitt Town South and Pitt Town North
percentage of census respondents not reporting		E.g. 2011 Census
Residential Vehicles	2801	Calculated
Commercial		
Number of Business Premises		E.g. ILP Version 3 Revision 2 example
Vehicles Per Business		From NSW SES supplied data Dec 2018 but excluding Pitt Town Bottoms, Pitt Town South and Pitt Town North
(OR) Total Number of Commercial Vehicles	267	North
Commercial Vehicles	267	Calculated
Total Vehicles (TV) = residential + commercial	3068	Calculated
Evacuation Route		
Number of Lanes	1	
Evacuation Route Capacity (RC) (veh/hr)	600	Calculated
Evacuation Timing (hrs)		
Warning Acceptance Factor (WAF)	1	SES recommended value
Warning Lag Factor (WLF)	1	SES recommended value
Travel Time (TT) = TV/RC	5.1	Calculated
Traffic Safety Factor (TSF)	1.5	SES recommended value
Total Time Required to evacuate (TR)	8.6	Calculated
Time Available (hrs)		
BOM Forecast Time	9	
Flood Travel Time	0	
Total Time Available (TA)	9	Calculated
Surplus Time (ST) = TA-TR	0.4	Calculated
Flood Emergency Response Classification		High Flood Island
Key		
Development specific data which needs to be inputted		
SES recommended values from Worksheet 2- variation needs to be justified		
Calculated Outputs		

HAWKESBURY LOCAL PLANNING PANEL MEETING

SECTION 1 – Reports for Advice

Meeting Date: 18 August 2022

AT - 4 Molino Stewart Pitt Town Flood Evacuation Capacity



23 March 2021

General Manager
Hawkesbury City Council
PO Box 146
WINDSOR NSW 2756

Attn: Andrew Kearns
Manager Strategic Planning

Dear Andrew,

Re: Planning Proposal Mitchell Road Pitt Town – Flood Evacuation

I refer to your email dated 12th January 2021 to our client, Mr Bassam Ghantous, with the subject matter "Pitt Town Audit" but which relates to the above issue. This letter sets out to clarify a matter raised in that email with the hope of expediting resolution of the planning proposal.

In that email you state:

"...the advice from Infrastructure NSW via the Department of Planning was such that it is 1,000 additional dwellings above 2003 levels in the study area and 1,100 additional dwellings above 2003 levels if the Evacuation Factor of Safety was reduced to zero – once the study area and numbers are confirmed we will know if the lower threshold (1,000 lots) is applicable, and if not then a fuller understanding of how to achieve an Evacuation Factor of Safety of Zero."

The wording of the sentence suggests a misunderstanding of what is meant by "...if an Evacuation Factor of Safety was reduced to zero".

What the earlier advice from Infrastructure NSW was saying was that previously the NSW SES had assessed that compared to the number of dwellings and vacant lots in Pitt Town in 2003, 1,000 additional dwellings could be evacuated from Pitt Town. This was calculated using the NSW Timeline Evacuation Model (TEM) which compares the time needed to evacuate with the time available to evacuate. If 1,000 new lots were developed then the time needed to evacuate would be less than the time available to evacuate and there would be some surplus time. This surplus time the NSW SES referred to as an Evacuation Factor of Safety.

The NSW SES had advised that if 1,100 new lots were developed there would be no surplus time and effectively the Evacuation Factor of Safety would be zero (i.e. there would be no surplus time). However, the use of this terminology by the NSW SES was misleading because the TEM itself includes safety factors in its assumptions including allowances for delays and low capacities on the evacuation routes.

Nevertheless, zero surplus time (which is a better way to express the results of the calculations) is not a target, nor is it something to be avoided. It is a consideration when assessing the merits of a planning proposal.

We do not dispute the NSW SES's former estimate of the number of additional dwellings which could be accommodated in addition to the dwellings and vacant lots which were present in 2003. The development which has taken place in the Pitt Town flood evacuation sector since then has been much

MOLINO STEWART PTY LTD | ABN 95 571 253 092 | ACN 067 774 332
PO BOX 614, PARRAMATTA CBD BC, PARRAMATTA NSW 2124 | TEL: (02) 9354 0300
www.molinostewart.com.au

HAWKESBURY LOCAL PLANNING PANEL MEETING

SECTION 1 – Reports for Advice

Meeting Date: 18 August 2022



less than 1,000 dwellings and so the modest increment in lots proposed by the Mitchell Road development proposal could easily be accommodated without reducing the surplus evacuation time to zero.

We are also aware that in recent years the NSWSES has changed its approach to assessing the number of vehicles which would need to evacuate from the floodplain now and into the future, taking into account potential infill development under existing zonings. We therefore obtained in 2018 from NSWSES its future projections of evacuating vehicles to 2056. We used these projections and the NSWSES TEM to estimate how many additional lots could be evacuated from Pitt Town and still have surplus evacuation time. While this is a much more conservative approach than the earlier analysis by the NSWSES, this analysis also revealed that the addition of vehicles from the proposed Mitchell Road planning proposal would not reduce the surplus evacuation time to zero. A copy of our detailed analysis is again attached for your reference.

We think a meeting to discuss these matters would assist in clearing up any misunderstanding and moving the matter forward.

Yours faithfully

For Molino Stewart Pty Ltd

A handwritten signature in black ink, appearing to read "S. Molino".

Steven Molino

Principal

Enclosures: 1

cc: Bassam Ghantous

<https://molinostewart.sharepoint.com/sites/Job300-1199/Shared Documents/0996 Mitchell Road Pitt Town- Flood Evac Advice/Reports/Final/0996 Response to Council Mar 2021 v1.1.docx>

oooO END OF REPORT Oooo

HAWKESBURY LOCAL PLANNING PANEL MEETING

SECTION 1 – Reports for Advice

Meeting Date: 18 August 2022

Item: 010 **CP - S960020/22 (DA0332/16) - Lot 2 DP 607906, 396 Bells Line of Road, Kurmond - (95498, 137333, 76639)**

Directorate: City Planning

DEVELOPMENT INFORMATION

File Number: S960020/22 (DA0332/16)
Legal Description: Lot 2 DP 607906 and Lot 2 DP 600414
Property Address: 396 Bells Line of Road and 2 Inverary Drive KURMOND NSW 2757
Applicant: Cohesive Planning
Owner: 396 Bells Pty Ltd
Proposal Details: Section 4.55 Application – Subdivision – Modifications to the consent for a community title subdivision
Estimated Cost: \$2,020,000.00
Area: 13.07Ha (396 Bells Line of Road)
Zone: RU1 Primary Production and SP2 Infrastructure – Classified Road
Date Received: 13 April 2022
Advertising: 1 to 15 June 2022
Submissions: Nil

REPORT:

Reason for Consideration by Local Planning Panel

Receipt of Class 1 Appeal – The original Development Application was reported to the Hawkesbury Local Planning Panel for determination as it was subject to a Planning Agreement with Council.

Background and Appeal Details

Council is in receipt of a Class 1 Appeal against the deemed refusal of Development Application No. S960020/22 for modifications to the consent for a community title subdivision at 396 Bells Line of Road and 2 Inverary Drive, Kurmond.

The original consent, Development Consent No. DA0332/16, was determined by the Hawkesbury Local Planning Panel as a 'deferred commencement' consent and approved vegetation removal, earthworks, the filling of dams, the construction of roads, the installation of a sewer main and a community title subdivision to create 33 residential lots. The consent was made operative on 29 May 2018 and the approved civil works have generally been completed. At this stage 25 residential lots have been released.

The subdivision was considered by the Hawkesbury Local Planning Panel on 28 March and 17 May 2018. Having considered a report recommending the refusal of the application on 28 March 2018, the Hawkesbury Local Planning Panel recognised some merit in the development and resolved to defer the matter to allow the Applicant to consider some changes to the subdivision layout. The resolution issued by the Hawkesbury Local Planning Panel on 28 March 2018 was as follows:

The Panel unanimously resolved that the determination of the application be deferred to allow the applicant an opportunity to submit amended plans.

REASONS FOR DECISION:

The Panel acknowledged that there was merit to the proposal to subdivide the site into a number of smaller lots, for the reasons listed below:

HAWKESBURY LOCAL PLANNING PANEL MEETING

SECTION 1 – Reports for Advice

Meeting Date: 18 August 2022

1. *The application is subject to a previous approval from a Planning Proposal that permitted subdivision of the subject site.*
2. *The RMS, RFS, and Office of Water have all given concurrence to the proposed development.*
3. *The site is suitable for connection to mains sewerage.*

However, the Panel accepted the argument in the planning report that the right to subdivision was not the only relevant factor to consider.

Other factors considered relevant by the Panel included:

1. *The pattern of development proposed, apart from the two larger lots protecting the riparian zone (which the Panel supports), does not demonstrate a differentiation in lot size reflective of the topography and prevailing rural-residential character of the area.*
2. *The proposed road works and site works associated with the application require substantial changes to, and impacts on, the rural-residential character of the site.*
3. *The impacts of the above on the visual character of the area.*

The Panel was of the view that a modified design that provided a greater differentiation in lot size, with smaller lots (not less than the permissible minimum lot size) between Bells Line of Road and the creek corridor, and larger lots (with an average lot size of not less than 4000m²) to the east of the creek corridor, would provide an outcome more in keeping with the existing and desired future character of the area.

The Panel agreed to defer the matter to enable the applicant the opportunity to amend the plans in accordance with the above.

In response to this resolution the Applicant advised that they did not wish to amend the application and a further report on the matter was considered by the Hawkesbury Local Planning Panel on 17 May 2018. At this time the Panel resolved to determine the application with a deferred commencement consent requiring a reduction in the number of residential lots from 37 to 33 lots. The deferred commencement condition issued as part of the consent required the amalgamation of seven rear lots as follows:

That the applicant is to submit for approval of Council's Director City Planning an amended plan of subdivision, amalgamating the following lots into single lots with an area of at least 4,000m²:

- *Lots 16 and 17*
- *Lots 18 and 19*
- *Lots 20, 21 and 22*

An amended plan satisfying the requirements of the deferred commencement condition was supplied and the consent was made operational on 29 May 2018.

The Section 4.55 Application that is now subject of an appeal seeks to create five allotments to the rear of the property. This would result in a total of 35 residential lots within the subdivision.

The Class 1 Appeal is known as Proceedings No. 22/205760 and a Directions Hearing was held on 11 August 2022. Council must prepare and file a Statement of Facts and Contentions by 25 August and the matter has been listed for a Section 34 Conciliation Conference on 8 November 2022. Wilshire Webb Staunton Beattie have been engaged to represent Council.

HAWKESBURY LOCAL PLANNING PANEL MEETING

SECTION 1 – Reports for Advice

Meeting Date: 18 August 2022

Recommendation

That the Hawkesbury Local Planning Panel note the receipt of the Class 1 Appeal and advise if the Panel wishes to provide input into the preparation of the Statement of Facts and Contentions.

ATTACHMENTS:

AT - 1 Plans of the Proposal.

HAWKESBURY LOCAL PLANNING PANEL MEETING

SECTION 1 – Reports for Advice

Meeting Date: 18 August 2022

AT - 1 Plans of the Proposal



oooO END OF REPORT Oooo



Hawkesbury Local Planning Panel Meeting

End of Business Paper

This business paper has been produced electronically to reduce costs, improve efficiency and reduce the use of paper. Internal control systems ensure it is an accurate reproduction of Council's official copy of the business paper.