



# **Attachment 1 to Item 9**

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## **Mitchell Road, Pitt Town Planning Proposal**

Date of meeting: 18 August 2022  
Location: By audio-visual link  
Time: 10:00 a.m.



# PLANNING PROPOSAL

Lots 1, 2, 3 & 4 DP1057585

## Mitchell Road Pitt Town



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**June 2022**



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This Planning Proposal was prepared by Matthew Owens, Principal, PMO Planning Services Pty Ltd and Ghant Project Managers Pty Ltd in accordance with “Local Environmental Plan Making Guideline” published by the NSW Department of Planning, Industry and Environment, December 2021.

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Date: April 2022  
Reference: 5/22

## Executive Summary

### Prepared by

PMO Planning Services Pty Ltd and Ghant Project Managers Pty Ltd

### Instructed by

Ghant Project Managers Pty Ltd

### Gateway application

The purpose of this planning proposal is to amend the Lot Size Map applicable to the subject land from the current minimum lot size of 2,500m<sup>2</sup> to 1,000m<sup>2</sup>. The planning proposal does not propose to amend the existing R5 – Large Lot Residential zoning of the land.

### Effect

Increase the projected development lots under the present zoning from 26 lots to 64 lots an increase of **only 38 lots.**

### The properties

Lots 1-4 DP 1057585, known as 30A, 30B 30C and 34 Mitchell Road Pitt Town (subject land).

- The land has 6 owners, all from the same family.
- The total area of the land is 7.98 Hectares.
- The land is dissected north-south and partially east-west by the proposed Pitt Town Flood Evacuation Route. The Flood evacuation route will link Wells Street and Hall Street to Mitchell Road. This then crosses Cattai Road into Pitt Town Dural Road which is the regional flood evacuation route for Pitt Town.
- The land is generally flat and comprises mostly cleared pastures.
- The majority of the land has an elevation above 21.5m AHD, with a small area near Mitchell Road falling to approximately 19m AHD.
- There is one dwelling on the subject land.

### Present Zoning

The land currently has an urban zoning being “**R5** Large lot residential” under the provisions of the Hawkesbury Local Environmental Plan and has a minimum lot size of 2,500m<sup>2</sup>.

### Purpose

- To allow the commercial viability of the development of the land,



- To allow and accelerate the construction of the flood evacuation route and bus route,
- There is an existing conflict with the general practice in Sydney's growth areas which sees the gap between the cost of a collector road and local access road being funded by developer contributions through a S94 contributions plan. Given this inadequate mechanism for funding of the Flood Evacuation Route (FER) for Pitt Town this application will provide funding for the construction of the Flood Evacuation Route and enable it to be linked to the regional FER for Pitt Town to the east via Pitt Town Dural Road.

### Prior History

The subject land has been included in a previous planning proposal that also included the land adjoining to the east of the site. That adjoining land is now not part of this planning proposal. A summary of the reports and Council resolutions on this previous planning proposal is outlined below:

- On 26 November 2013 Council considered a report on a planning proposal that included the subject land and the three adjoining properties to the east of the site. Council resolved that *“Council 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”*,
- In November 2014 Council considered a further report with a recommendation to support the preparation of a revised planning proposal to enable subdivision of the lands (subject site and adjoining land) into 1,500m<sup>2</sup> lots and resolved to defer the matter to allow a further meeting between the applicant and Council staff.
- In December 2014 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. Following that discussion, the applicant submitted further information to Council officers for consideration to support the planning proposal.
- On 10 March 2015, Council considered another report for a similar revised planning proposal (including the subject land and the land to the east) to reduce the minimum lot size for the development of the lands. At the meeting of 10 March 2015 Council resolved, in part, the following:
  - *“Support the preparation of a revised planning proposal*
  - *Council prepare 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.*
  - *The applicant’s revised planning proposal be forwarded to the Department of Planning and Environment for a Gateway determination.”*
- The Gateway Determination did not support the planning proposal at that time, but it stated:

***“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.”***

The Determination also stated that the revised planning proposal should *“include an evacuation capacity assessment considering regional and cumulative impacts.”*

This planning proposal has revised the previous proposal and has addressed the Hawkesbury-Nepean Flood Management Taskforce recommendations (See section 5.2.3 of this proposal) being the *Resilient Valley, Resilient Communities* strategy and an evacuation capacity assessment has also been undertaken (See Molino reviews attachments 1 & 2 to this proposal) which has also been verified by the audit of existing and proposed dwelling numbers that was undertaken by Hawkesbury City Council (See Attachment 3 to this proposal).

#### Prior Investigation

- November 2003 Cornell Wagner concluded that Pitt Town could sustain a maximum of 1,405 lots with existing and augmented services.
- July 2007 Hawkesbury Council supported the “High Growth Scenario” to a maximum of 1405 lots in the Pitt Town Investigation area.
- January 2007 the NSW State Emergency Services concluded that 1,100 new lots can be added to the existing residential capacity subject to the designation and construction of a Flood Evacuation Route.
- Surrounding development (the Johnston Property Group (JPG) proposal) was for a maximum of 915 lots
- Presently the part 3A planning agreement allows for an additional 659 lots within five precincts (Approval dated 10 July 2008)

#### Issues

- The land is presently zoned R5 Large Lot Residential.
- The risk to residents of Pitt Town in times of flooding will be significantly reduced.
- The flood evacuation route will assist the State Emergency Services and reduce the risk to life during flood evacuation.
- To provide the missing part of the **FLOOD EVACUATION ROUTE (FER) and BUS ROUTE.**
- The new construction of the road extending Hall Street to Mitchell Road **FER** and the extension of Wells Street to intersect with the **FER**. This will connect these local roads and development to the Regional FER from Cattai Road along Pitt Town Dural Road to the east.(See Figure 3A)
- The developed land in the C, D, E, part F, G, and H precincts<sup>1</sup> rely on the **FER**.
- The developed land in precincts G D and part F have been sold and dwellings completed and occupied.
- Further development and sale of vacant land and housing is continuing without the **FER**, or links to the regional evacuation network, being constructed.

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1 – See Figure 3: Pitt Town Development precincts Pitt Town DCP

- Due to the risk caused by creation of the new lots without the **FER** a risk management issue arises for Council.
- The developed lots will not be as attractive to mortgage lenders due to the flood evacuation risk.
- This proposal will facilitate viable development of the land, while creating additional housing opportunities in an appropriate location.
- Our client's development model shows that subdividing the land for 2,500m<sup>2</sup> lots is simply not commercially viable, especially with the additional road construction, Section 7.11 contributions, and State government contributions.
- This critical piece of public infrastructure will not be built unless this planning proposal proceeds.
- The proposal would make better use of available services and would set up a mechanism for bringing online the **FER** and connection to the Regional FER to the east sooner.
- Currently under the present controls the construction of the FER is totally dependent on the development of the subject land.
- The Council advises that it has an expectation that the developer will fund the total cost of this road through the site as the lots will have direct access to the road.
- The Pitt Town Flood Evacuation Route through the land is not funded by public funds or developer contributions. It is also noted that the construction/upgrade of the remainder of the Flood Evacuation Route, whilst mentioned in the Development Contribution Plan, is not shown in any of Council's forward Operational or Delivery Plans.

## Risk

The risk to residents of Pitt Town and local surrounding areas in times of flooding will be significantly reduced. The present Flood evacuation routes are

Mitchell/Cattai road	16.3 AHD
Eldon Street	10.2 AHD
Windsor/Cattai Road	7.00AHD

The FER, and improved links to the regional evacuation network, will assist the State Emergency Services and reduce the risk to life during flood evacuation and benefit the safety of the community in times of flooding.

It is not possible to quantify this risk as a legal issue arises as to "duty of care" for HCC (reference can be made to the class action being undertaken by IMF Ltd in the matter of a legal action against the Queensland Government and flooding (2011 Ivanhoe Dam).

## Rationale

- Preliminary, supportive discussions were previously held with the Mayor, CEO, City Planners. Strategic planner

- No objection was raised in principle to this proposal at these meetings and it was indicated that it was appropriate to make a proper submission to enable Council to properly consider the proposal in a statutory format.
- In partnership with Hawkesbury City Council this planning proposal will ensure that the Flood Evacuation Route can be constructed so that the Pitt Town community are provided with improved access to the Regional FER to the east via Pitt Town Dural Road. The landowners are also prepared to negotiate, in good faith, a VPA once there is support and certainty that the planning proposal will be gazette.
- The land is already zoned urban R5 Large Lot Residential, therefore there will be no change in character.
- The proposal is consistent with all relevant State, Regional and Local Strategies.
- There are no adverse environmental impacts arising from this application
- The proposal will make use of existing and proposed infrastructure; therefore, no additional infrastructure is required.
- There will be no adverse environmental or visual impact as a consequence of development of the land. The proposal effectively represents infill development.

### **Community Benefit**

- A significant section of the Pitt Town Flood Evacuation Route (estimated 1147.15m in length) will be constructed at no cost to the community.
- Reduce the risk to existing and future residence in dangerous times of flooding by providing a safe evacuation route and links to the regional evacuation route to the east of Cattai Road.
- Reducing the risk to human life in times of flood.
- 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 land.
- Utilising existing services and infrastructure to full capacity.
- To provide the designated bus service road.

### **Remedy**

To amend the lot size provisions from the current urban R5 "Large Lot Residential" zone, **V2** Minimum lot size **of** 2,500m<sup>2</sup> to urban "R5 Large Lot Residential", **U** minimum lot size **of** 1,000m<sup>2</sup>

### **This application of the planning proposal presents an opportunity to:**

- Construct the Flood Evacuation Route within a reasonable time frame of an approval. (The landowner is prepared to negotiate a Voluntary Planning Agreement once the planning proposal is completed.)
- Construct the designated Bus transport road.

- Provide cheaper housing availability in line with the State Government's thrust into provision of affordable housing.
- The desire of the Federal and State Government to urgently identify and release vacant land that is zoned urban to satisfy demand for housing.
- The shortage of residential land is well accepted with the Government indicating their desire to encourage housing variety and choice and make efficient use of existing infrastructure.
- The identified shortage of all types of land for housing in the Hawkesbury Local Government Area but particularly lots for urban residential housing.
- The requirement to contain the rising cost of developed land available for housing.
- To maximise habitable urban zoned land available within the bounds and context of all relevant State and Council policies particularly in the Hawkesbury area where land is able to be serviced.
- The Planning Proposal land has no constraints to achieving the higher density proposed.
- It is above the 1 in 100 year flood level, has no heritage, bushfire, or flora/fauna constraints and includes the proposed emergency evacuation route.
- Inclusion of this Planning Proposal urban zoned land into the 1,000m<sup>2</sup> density zone will not affect development of the remainder of the Pitt Town release land.
- Development of the land even with a density of 1,000m<sup>2</sup> will comply with the "Desired Character Statements" within the Pitt Town Chapter of Hawkesbury Council's DCP noting that the land is not far removed from the residential lots of smaller size within the urban zoning of the Pitt Town village.
- 1,000m<sup>2</sup> lots would provide a transition from smaller to larger lots and provide additional residential choice.
- Sequential lot size transition is a desirable town planning outcome which is available to the east by way of 2,500m<sup>2</sup> lots.
- Development of the land into lots of 1,000m<sup>2</sup> will comply with the Minister's S9.1 directions and in particular relative to Pitt Town there would be no heritage impact, it would provide for a variety of housing choice, is above the 1 in 100 year flood level, is not subject to bushfire risk, and is consistent with the Hawkesbury Nepean River REP No 20 guiding principles.
- Ensure the efficient use of infrastructure that is available.
- Good planning also would provide that development does not proceed without the construction of the flood evacuation route.

This Planning Proposal satisfies all relevant State, Regional and local criteria and it is recommended that Council prepare a draft local environmental plan to amend the Hawkesbury LEP 2012 Lot Size Map (Sheet LSZ\_008C) to permit a minimum lot size of 1,000m<sup>2</sup> for the land.

## 1.0 Introduction

This planning proposal has been prepared by PMO Planning Services Pty Ltd and Ghant Developments Pty Ltd on behalf of Ghant Project Managers Pty Ltd. The planning proposal applies to Lots 1-4 DP 1057585, known as 30A, 30B, 30C and 34 Mitchell Road Pitt Town (subject land), which has a total area of 7.98 hectares. Under the provisions of Hawkesbury Local Environmental Plan 2012 (HLEP 2012) the land is zoned urban R5 Large Lot Residential and has a minimum lot size of 2,500m<sup>2</sup>.

The purpose of this planning proposal is to amend the Lot Size Map applicable to the subject land from the current minimum lot size of 2,500m<sup>2</sup> to 1,000m<sup>2</sup>. The planning proposal does not propose to amend the existing urban land use zoning of the land.

Under the provisions of the Hawkesbury Development Control Plan – Pitt Town, the proposed Pitt Town Flood Evacuation Route is proposed to run north-south along the eastern boundary of the subject land and east-west through Lot 2 of the subject land. The Flood evacuation route will link Wells Street and Hall Street to Mitchell Road, Cattai Road, then to the regional FER via Pitt Town Dural Road to the east.

The current minimum lot size of 2,500m<sup>2</sup> makes the development and construction of the subdivision and flood evacuation route not economically viable for the landowner. The Planning Proposal to reduce the minimum lot size will facilitate the viable development of the land while creating additional housing opportunities in an appropriate location.

More importantly, from a public benefit point of view, a significant section of the Pitt Town Flood Evacuation Route (some 1,147m in length) will be constructed at no cost to the community.

The Pitt Town Flood Evacuation Route that is proposed through the land is not funded by public funds or developer contributions. It is also noted that the construction/upgrade of the remainder of the Flood Evacuation Route, whilst mentioned in the Development Contribution Plan, is not shown in any of Council's forward Operational or Delivery Plans.

Our client's development model shows that subdividing the land for 2,500m<sup>2</sup> lots is simply not viable, especially with the additional road construction and land dedication costs expected by the Council.

The Council advises that it has an expectation that the developer will fund the total cost of this road (Flood Evacuation Route) through the site as there is potential for lots to have direct access to the road.

However, this conflicts with the general practice in Sydney's growth areas which sees the gap between the cost of a collector road and local access road being funded by developer contributions through a S7.11 contributions plan. The landowner is prepared to enter into negotiations for a Voluntary Planning Agreement (VPA) to facilitate the delivery of the FER upon this planning proposal being supported and gazetted.

This Planning Proposal satisfies all relevant State, Regional and local criteria and it is recommended that Council prepare a draft local environmental plan to amend the Hawkesbury LEP 2012 Lot Size Map (Sheet LSZ\_008C) to permit a minimum lot size of 1,000m<sup>2</sup> for the land.

## 1.1 History of Pitt Town Village

The township of Pitt Town is located approximately 6km northeast of Windsor which is located in the north-western area of Sydney.

Pitt Town is one of the five 'Macquarie Towns' established by Governor Macquarie in 1810. It is named after William Pitt the Younger, the 18th Century British Prime Minister.

A site for a village was laid out in 1811 but developed very slowly.

By 1841 there were only 36 houses in the town due to its location being too far from the rich river alluvial flats and the consequent long daily trek for farmers to their holdings.

In earlier years the predominant usage of land was for agricultural pursuits, in particular citrus orchards, but in 1979 due to importation of fruit juice and fruit products agriculture ceased in Pitt Town.

Development has evolved over the years to the extent where today Pitt Town is a desirable and vibrant rural village in close proximity to the larger centres of Castle Hill, Rouse Hill and Windsor.

The current character of Pitt Town is of a local rural village with larger rural properties on its perimeter. The village has restaurants, shops, service station, churches etc.

The town has grown in population over the years as has the local rural district.

In later years the village has become known as a tourist destination particularly for day and short trip occasions. There are a number of Bed & Breakfast establishments in the village and surrounding areas.

## 1.2 Background

In August 2002 Hawkesbury City Council commissioned the preparation of a Local Environment Plan to facilitate residential development at Pitt Town.

The Connell Wagner reports of April and November 2003 prepared initially to assess available and required servicing of the LEP area concluded that Pitt Town could sustain a maximum of 1,405 lots with existing and augmented services.

Hawkesbury LEP (HLEP) 1989 was amended by HLEP Amendment No. 145, which was gazetted on 18th August 2006. Shortly after that gazettal the Minister for Planning, following application from a developer for part of Pitt Town, subsequently declared much of the Pitt Town Area to be Major Project under Part 3A of the Environmental Planning and Assessment Act 1979 (the Act).

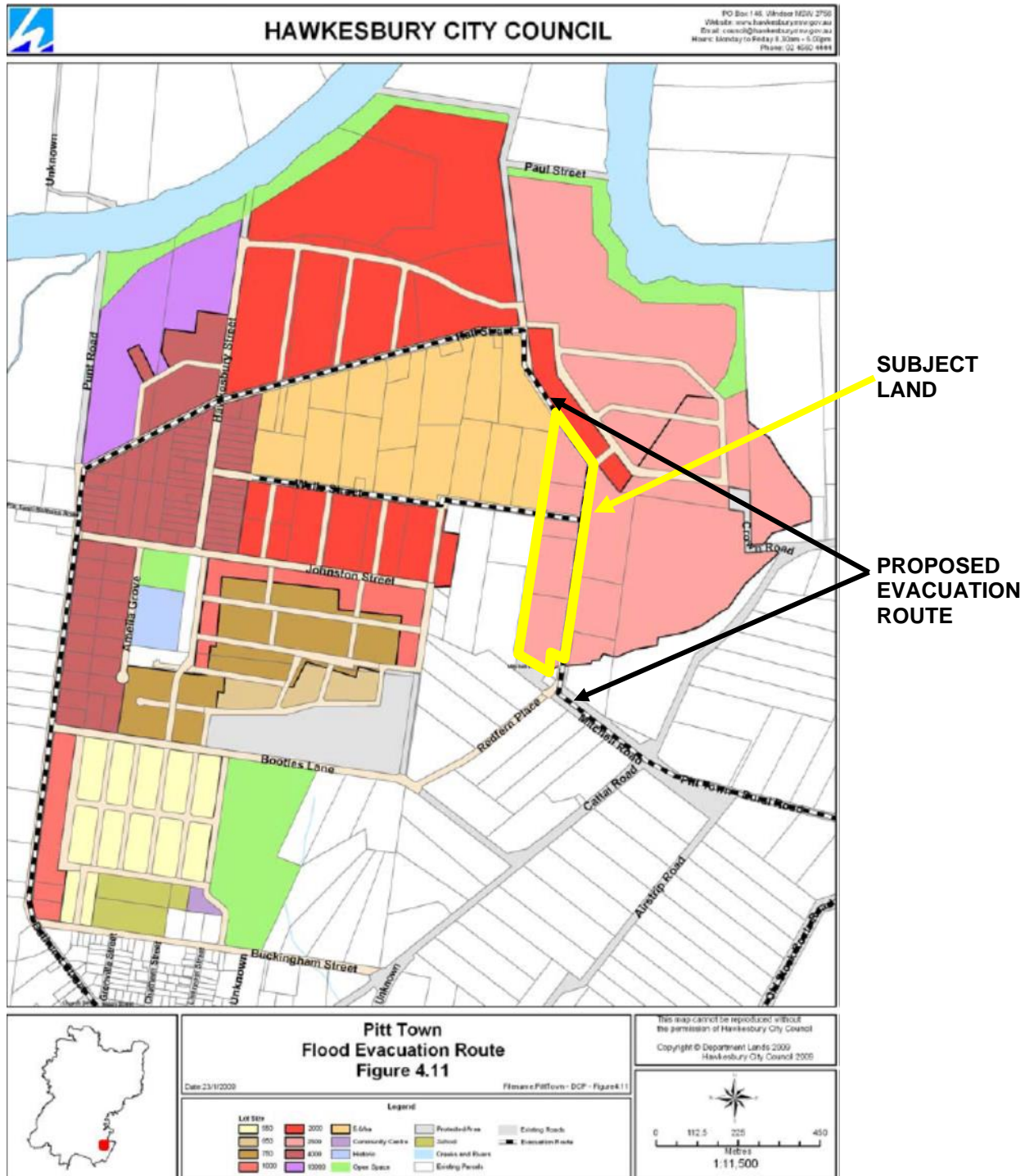
On 16 January 2007 the NSW State Emergency Services concluded that 1,100 new lots can be added to the existing residential capacity subject to the designation and construction of a Flood Evacuation Route.

The flood evacuation route is identified in the Pitt Town Development Control Plan (DCP) Figure E4 11, which is reproduced below (Figure 1).

The DCP also requires that a local bus service is to be provided through the development area when feasible (Rule 4.7.2). Construction of the flood evacuation route through the subject land will facilitate this bus route.



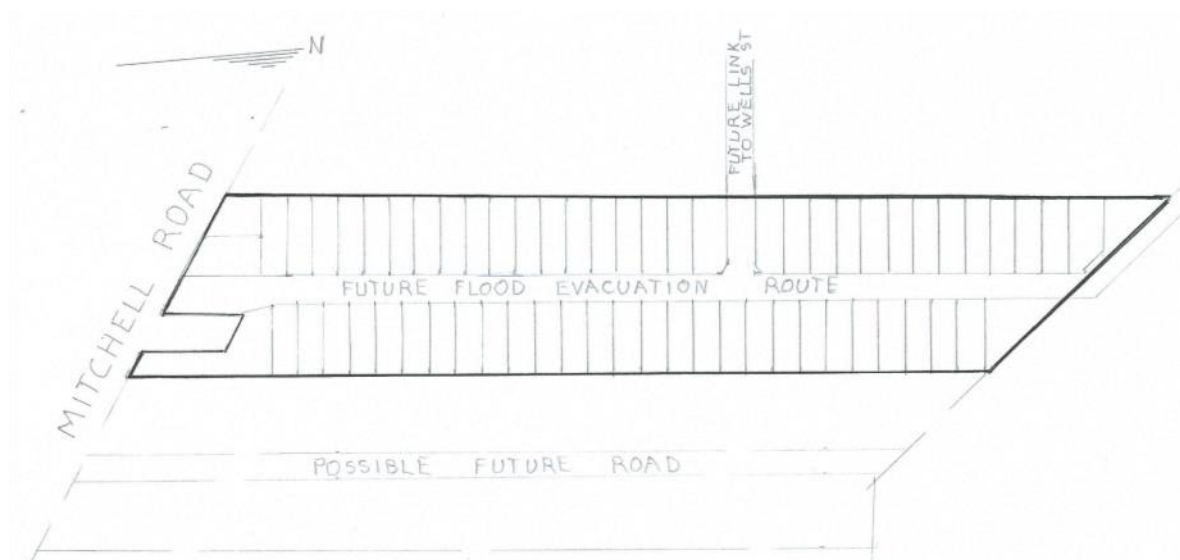
Figure 1: Pitt Town Flood Evacuation Route. (Source: Pitt Town DCP)



The Flood Evacuation Route (FER) shown in figure 4.11 of the DCP as traversing the eastern boundary of the subject land. This was shown in this location with the intent that the costs may be shared by both landowners. However, the property to the east of the subject land is not interested in developing their land at this time. As such, this has caused our clients some hardship as they are keen to development their land and are somewhat restrained by the eastern landholders. It is also clear that the construction and provision of the FER is now becoming more urgent as the Pitt Town area has developed.

Our clients approached Council previously about this constraint and were advised that the main objective for the FER is to provide a north-south link across the site and a relocation of

the FER away from the eastern boundary would be seriously considered. The relocation of the FER to the centre of the subject land was discussed in the Ordinary Council Meeting report of 25 November 2014 (See page 8 of that Ordinary Meeting Agenda) and a diagram of that relocated FER was also included in that Council report as Attachment 3 to that report (Page 40 of Ordinary Meeting Agenda 25 November 2014). My client has based his economic feasibility on that advice and has prepared a preliminary subdivision plan (for illustrative purposes only) to demonstrate the necessity for the relocation of the FER to the centre of the subject land.



**Figure 2: Proposed Subdivision Plan (Illustration only)**

NOTE: An FER on eastern boundary would result in allotments with dual road frontage which is not a desirable outcome.

At its meeting of 10 March 2015, Council supported the preparation of a similar, but larger, planning proposal, that included the subject land and the land to the east, to amend the lot sizes for the subject land and other land, to 1,500m<sup>2</sup>. This would have created an additional 116 lots rather than the current proposed 38 additional lots. The Gateway Determination did not support the proposal at that time. However, subsequent advice has been received stating:

***“INSW and NSW SES recommends Council undertake a comprehensive audit of development in the Pitt Town study area (as referenced in NSW 2003 advice) since 2003 to confirm the evacuation capacity has not been exceeded.”***

Council, in February 2022, undertook such an audit, to determine the existing and potential capacity for dwelling provision in the Pitt Town study area. The findings of that audit were:

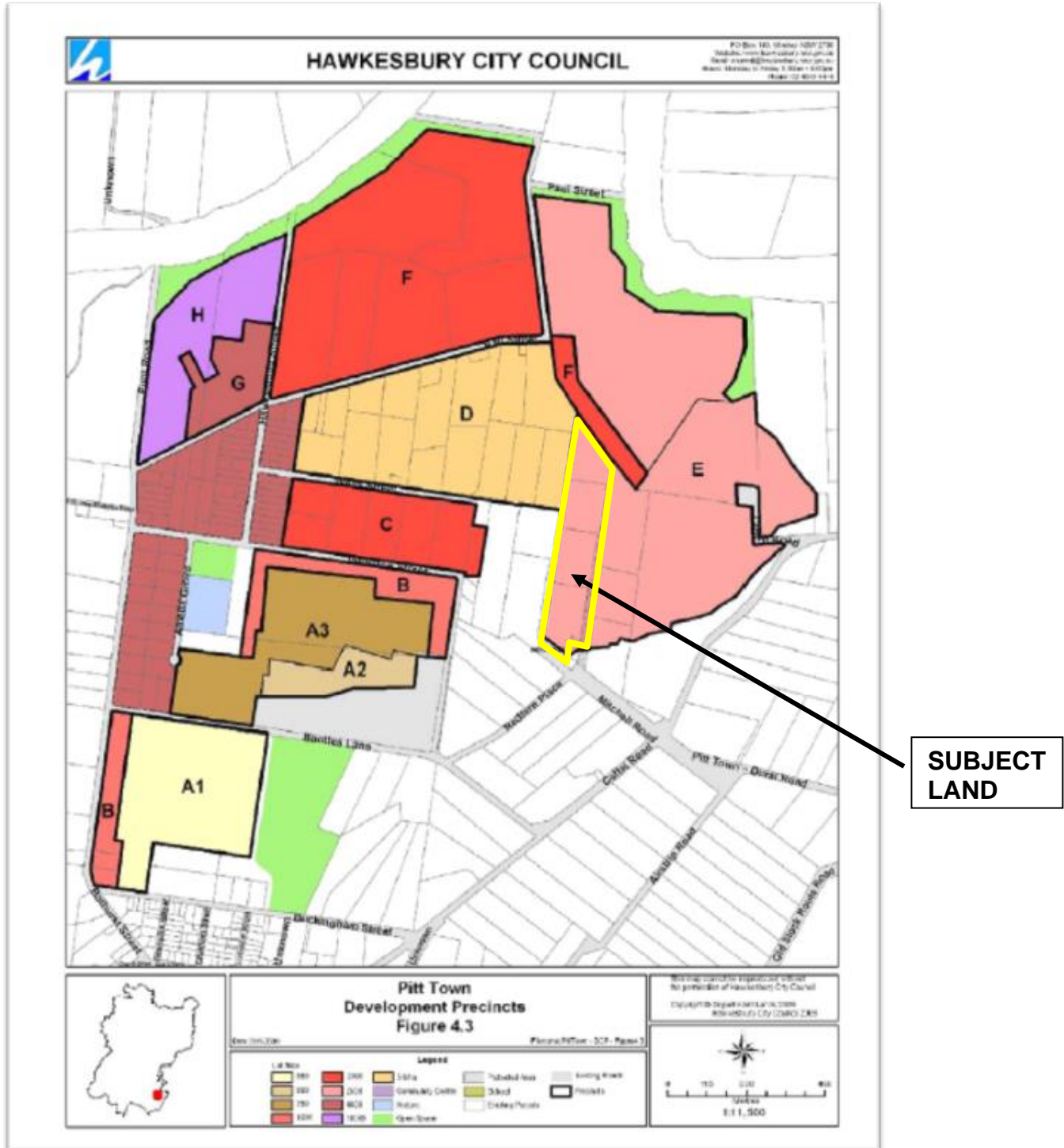
***“It provides for spare capacity (above that permitted by the existing planning provisions) of 42 additional lots above approvals & existing planning provisions based on SES’ 1,000 lot cap, or 142 additional lots if upgrades to evacuation routes are undertaken to reduce the risk.”***

A copy of the audit prepared by HCC, table showing the individual dwelling numbers for the Pitt Town SES subsectors is attached to this planning proposal (See attachment 3).

The Flood Evacuation Route is a crucial element in the overall planning for Pitt Town. It is understood that the re-zoning of Pitt Town could not have occurred without a designated flood evacuation route (FER) at a minimum height of 17.3m AHD and **is required to be in place prior to all development being completed.**

Development of land in precincts C, D, E, part F, G and H relies on the flood evacuation route, through the subject land, for safe evacuation (refer to Figure 3 & 3A below). Land in Precincts G, D and part F have already been subdivided, with dwellings completed and now occupied. Further development and sale of vacant land and dwelling construction is continuing without the flood evacuation route being constructed.

Figure 3: Pitt Town Development precincts. (Source: Pitt Town DCP)



**Figure 3A: Indicative Road Layout for Pitt Town Development Area “Precinct D”.  
(Source: HCC Policy Adopted 3 Feb 2015)**

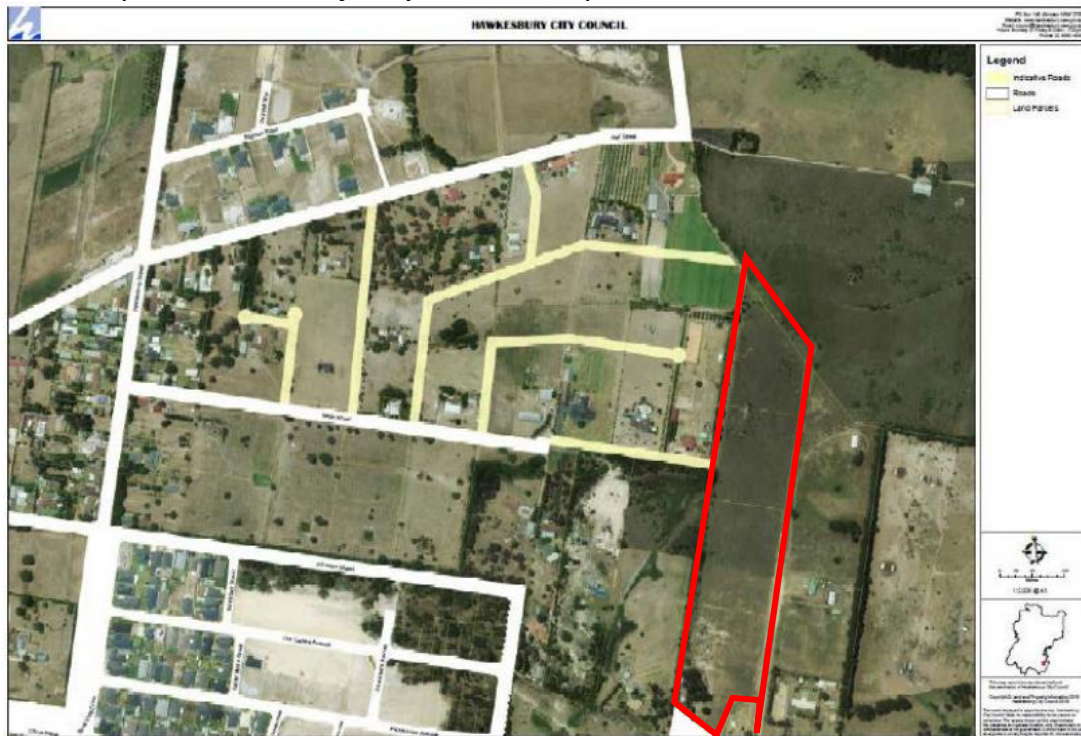


Figure 3A above clearly indicates the importance that the FER is required through the subject land (outlined in red). Hall Street and Wells Street (shown in white running west/east above) and the proposed road layouts (shown in yellow above) are channelled through the subject land to provide quick and efficient evacuation to the regional FER via Mitchell Road and Pitt Town Dural Road to the east (Figure 1). Precinct “D” is now mostly developed and all internal, local roads direct traffic onto the “yellow” collector roads to achieve access to the regional FER to the east, via the subject land.

Currently, this substantially developed area evacuates via Bathurst Street (north/south road in Fig 3A). The Bathurst Street route is not designed for such an evacuation and results in substantial delays to the evacuation of these precincts. The support of the planning proposal will contribute to the easing of this restriction and substantially improve the capacity and time available for flood evacuation.

It is submitted that the situation of development occurring without the delivery of the FER presents a significant risk management issue for all stakeholders, particularly the Pitt Town community, but also including the Council, and the NSW SES due to the possibility of a major flood event occurring. Without a completed FER there is a higher risk to human life as residents would need to be evacuated by boat. Mortgage lenders may also find the risk to be unacceptable, thereby making insurance too expensive for most residents and affecting overall housing affordability.

Development and sale of residential land is still occurring in Pitt Town; however, the flood evacuation route cannot be completed unless and until the subject land is developed.

In partnership with Hawkesbury City Council this planning proposal will ensure that the Flood evacuation Route can be constructed. The landowners are prepared to negotiate a VPA, subject to the planning proposal being supported and certainty of completion, to facilitate the delivery of this important infrastructure.

The Hawkesbury Development Control Plan relevantly provides:  
PMO Planning Services & Ghant Developments Pty Ltd

**“4.6.6 Flood Evacuation Route - Rule**

*The flood evacuation route from Bathurst Street to Old Stock Route Road is to be at a minimum height of 17.3 metres AHD, the 1% AEP level. The route will be via Wells Street and/or Hall Street, Mitchell Place and Pitt Town Dural Road. Part of these works will be funded by way of development contributions.”*

**“4.6.8 Development Precinct E – Rules**

- a) *The road connections through the precinct must be provided substantially in accordance with the Pitt Town Development Plan.*
- b) *The integrity of the existing windbreaks within the precinct is to be maintained.*
- c) *The windbreak trees will be incorporated within road reserves where possible. A 4 metre footway or walking trail should extend alongside the windbreak. The walking trail should link into the road system through the precinct.*
- d) *The Hall Street – Redfern Place link road is to be a landscaped boulevard incorporating appropriate street trees within the road reserve.*
- e) *Internal access roads must connect to the Hall Street extension. No connections to Cattai Road will be permitted.”*

Clearly, the flood evacuation route cannot be completed without the substantial section which runs through the land. Notwithstanding the DCP reference to development contributions, there are no funds allocated in any of Council’s forward Operational or Delivery Plans to construct this part of the FER.

There is serious doubt therefore as to how this flood evacuation route will be funded, in the absence of this planning proposal. It is submitted that the minimum lot size for the land should be changed to 1,000m<sup>2</sup> thereby providing additional housing opportunities and facilitating the construction of the Pitt Town Flood Evacuation Route.

It is considered that providing additional housing opportunities in this location is logical and represents *“the promotion and coordination of the orderly and economic use and development of land”* as stated in the Objects of the Environmental Planning & Assessment Act, 1979.

**Consultation**

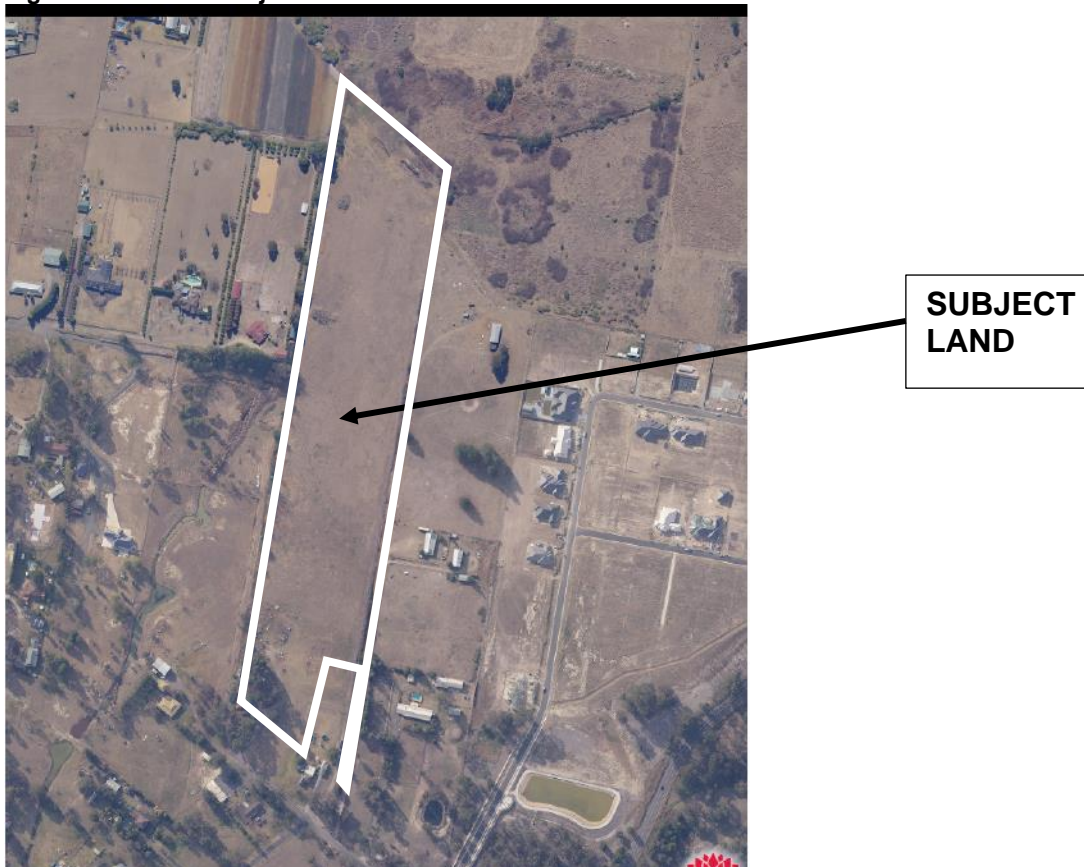
Preliminary discussions have been held with the current Mayor, previous Mayor, previous Deputy Mayor, and City Planners. No objection was raised in principle to this proposal at these meetings and it was indicated that it was appropriate to make a proper submission to enable Council to consider the proposal in a statutory format.

**1.3 Description of Site**

The land is located on the northern side of Mitchell Road and is 15.552 hectares in area. The land comprises eight allotments as follows:

<b>Lot No.</b>	<b>Deposited Plan</b>	<b>Area</b>	<b>Owner</b>	<b>Use</b>
1	1057585	2.0 ha	B, M, T, S and JP Ghantous	Dwelling
2	1057585	2.0 ha	Triston Pty Ltd & B and M Ghantous	Vacant
3	1057585	2.0 ha	Triston Pty Ltd & B and M Ghantous	Vacant
4	1057585	1.98 ha	Triston Pty Ltd & B and M Ghantous	Vacant

**Figure 4: Aerial of subject land .**



(Source: LPI SIX Maps, February 2022)

The land is generally flat and comprises mostly cleared pastures.

All of the land which is the subject of this Planning Proposal is above 20m AHD.

There is one dwelling on the subject land. There are some garden plantings associated with the dwellings close to Mitchell Road.

The land is presently vacant with the exception of the building on Lot 1.

There is no native vegetation on the subject land.

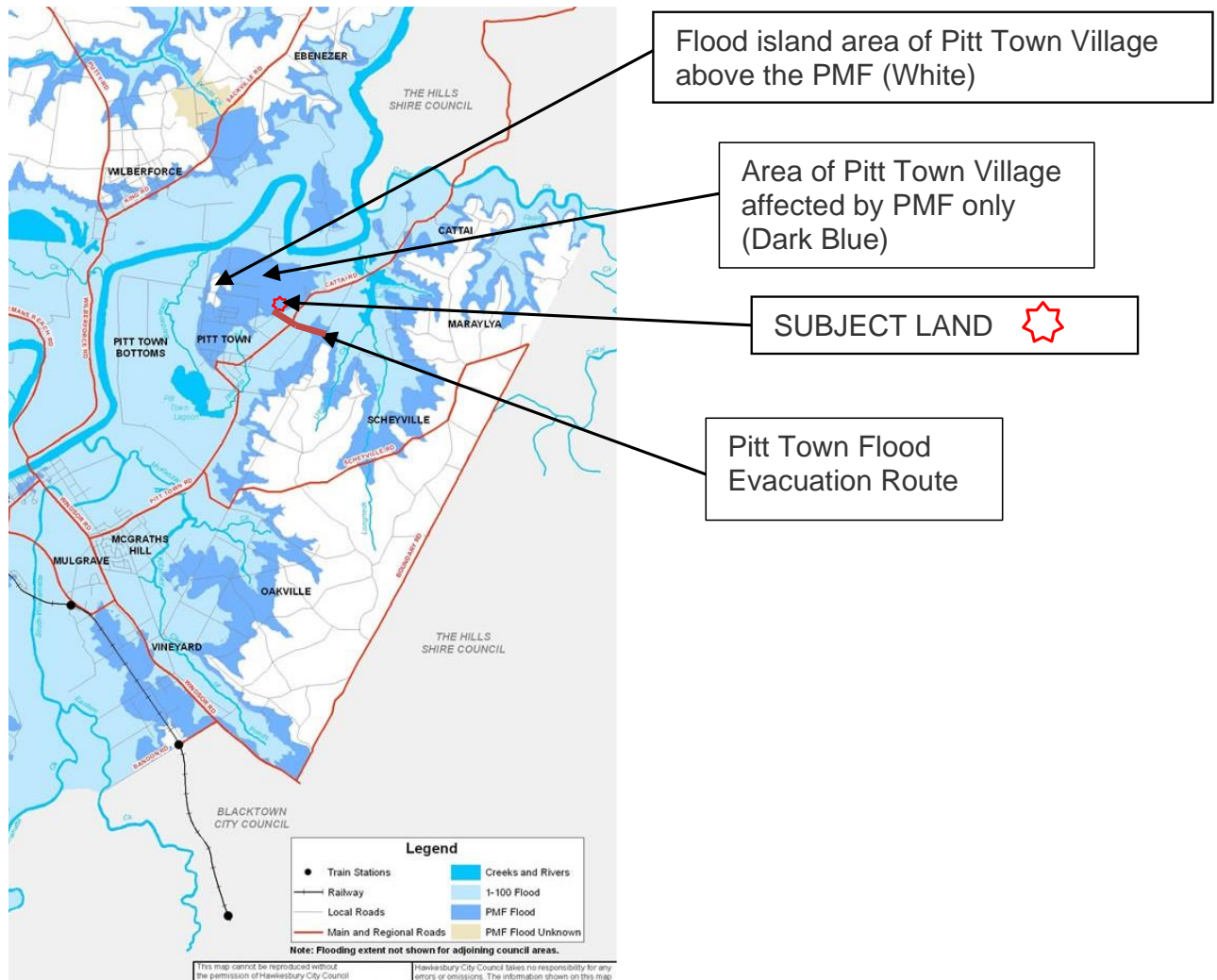
The total number of proposed lots available on development of this land under the present controls is 25 lots.

The total number of proposed lots available on development, should this Planning Proposal be supported is 64 lots, **an increase of only 38 lots.**

The existing yield and proposed yield are calculated by the reduction of the area available in square metres less 18.29% for construction of roads.

### ***1.3.1 Flood Affection and Evacuation***

The following figure (Figure 5) is an extract from the Hawkesbury City Council flood extent maps (South). On the map it is shown that part of Pitt Town village is a flood island in the PMF, and the remainder of the village and development area is only affected by the PMF and is generally above the 1 in 100-year flood level.



**Figure 5: Flood Extent South Map (Source: Hawkesbury City Council)**

The Pitt Town Village is, whilst not inundated by the 1 in 100 event, surrounded by land that is affected by that event (Figure 5). However, the Flood Evacuation Route to the east is relatively short before access is available to non-flood affected land. It should also be noted that the subject land is close to the eastern extremity of the village and is also required as an integral part of the flood evacuation route for Pitt Town village.

As mentioned in Section 1.2 above, the subject land is above the 20m AHD level which means that the site is not impacted by the 1 in 100-year event (17.3m AHD) is marginally impacted by the 1 in 500-year event (20.2m AHD) and affected by the 1 in 100,000 PMF event (26.4m AHD).

The planning proposal is not proposing to change the existing urban zoning of the land, but only amend the minimum lot size to facilitate the construction of the flood evacuation route through the property by making the development financially viable. Residential development is currently permitted on the site and the proposed minimum lot size will result in approximately 64 lots, an increase of only 38 lots from the 26 lots that are permitted under the current planning controls. Section 1.3.2 below provides additional information in relation to the predicted impacts from the planning proposal on flood evacuation numbers and capacity.

### 1.3.2 Development Context and Flood Evacuation

As detailed in *section 1.1 Background* of this planning proposal, the planning and development of the Pitt Town area is very much dependant on the construction of suitable flood evacuation. In January 2007 the NSW SES advised that 1,100 new lots can be added to the existing residential capacity subject to the designation and construction of a Flood Evacuation Route (my emphasis). Without the FER completed the development should be capped at 1,000.

In January 2019, the landowner engaged Molino Stewart, Environment and Natural Hazards consultants to review the flood evacuation capacity and provide flood evacuation advice for development at 30 Mitchell Road, Pitt Town. (It should be noted that this advice also included the land adjoining the subject land to the east, albeit for larger lot sizes of 1,500m<sup>2</sup>. However, the flood evacuation review undertaken by Molino Stewart assessed the evacuation capacity for development of 116 lots, being 52 lots more than proposed by this planning proposal.)

A copy of the January 2019 and March 2021 advice from Molino Stewart is attached to this planning proposal (See attachments 1 & 2). In summary, the advice found the following:

*“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.”*

The above spare vehicle evacuation capacity equating to 100 to 133 additional dwellings related, as mentioned above, to a parcel of land greater than the land subject to this planning proposal and a different lot size. However, the principle finding from the attached review is that there is currently up to 133 additional lot evacuation capacity in the Pitt Town flood evacuation model. This additional capacity is over and above that required for the full development, i.e., including land yet to be developed under existing planning controls.

In addition to the above, an audit of the existing development lots and potential lots in the Pitt Town area was undertaken by Council in 2021 at the request of the Department of Planning and Environment (Department) (See attachment 3). The audit found the following:

- The number of lots created since 2003 in the locality was 727,
- The number of potential lots (Approvals and existing planning provisions) is 231,
- The total number of lots developed and potential for development under the current planning controls is 958.

From the above it can be seen that:

- Without the construction of the Flood Evacuation Route (FER) there is spare evacuation capacity of 42 lots,
- If the FER is constructed/upgraded to reduce risk, **the spare evacuation capacity is 142 lots.**

In summary, the audit has found that there is a spare capacity range of 42 to 142 additional lots depending on the status of the FER. Simply put, there seems to be sufficient evacuation capacity for the additional 38 lots provided if this planning proposal is supported.



Given that the subject planning proposal, if supported, will provide for an additional 38 additional allotments, and facilitate the construction of a substantial portion of the FER, linking to the regional evacuation network, on the subject land, it is considered that the planning proposal should be supported as, after development of the subject land, there will still be up to 95 spare dwelling flood evacuation capacity in the system.

## 1.4 Surrounding Land Use

Land adjoining to the north is cleared pasture, with some evidence of previous agricultural use. This land is zoned urban R5 Large Lot Residential with a minimum subdivision lot size of 2,000 to 2,500m<sup>2</sup> and is yet to be developed (Note, the audit figures previously quoted include this development potential). The land immediately adjoining to the east is zoned urban R5 Large Lot Residential with a minimum subdivision lot size of 2,500m<sup>2</sup> 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 urban R5 Large Lot Residential and has been developed into residential lots of 2,500m<sup>2</sup>.

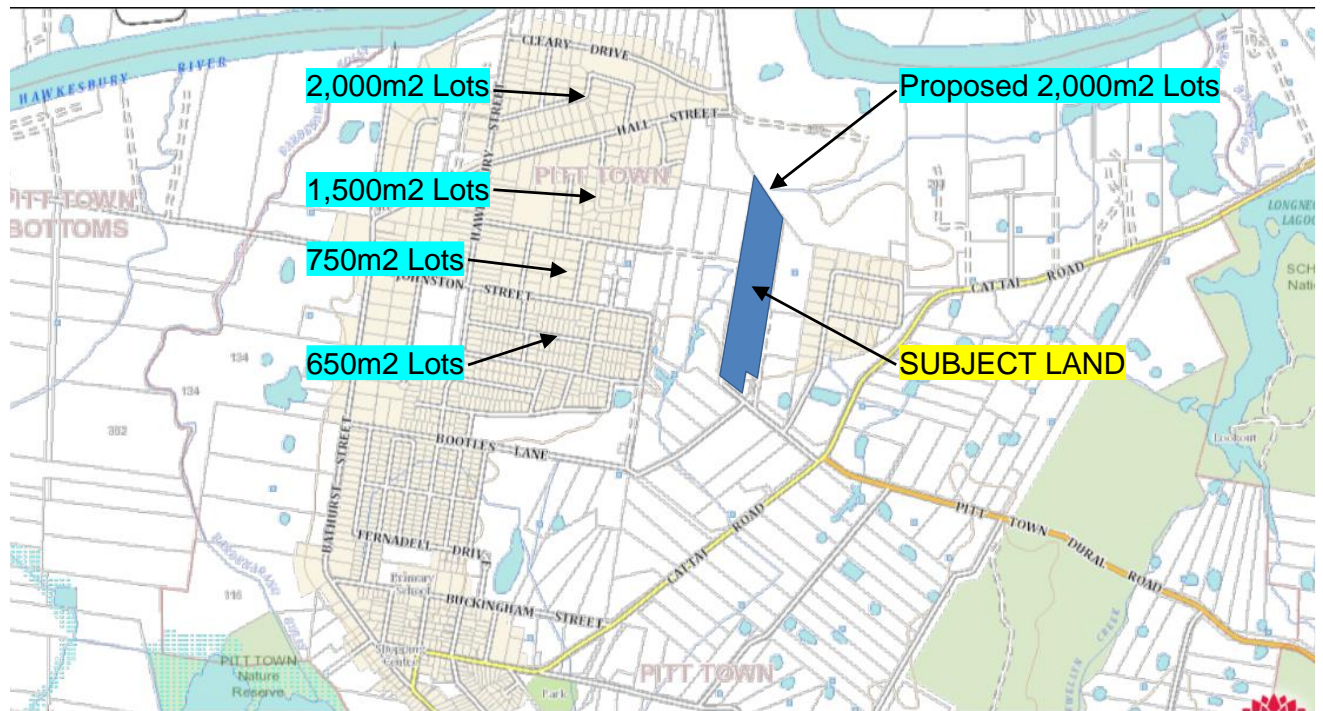
The land immediately adjoining to the west is zoned rural RU4 Primary Production Small Lots and has a minimum lot size of 2ha. This land was not included in the original planning for the Pitt Town development area as it is a former quarry and is lower than the surrounding land and more flood affected. The land is utilised for stormwater drainage infrastructure and rural residential uses.

The land further west of the subject site has been developed for a range of lot sizes ranging from (south to north) 650m<sup>2</sup>, 750m<sup>2</sup>, 2,000m<sup>2</sup> and, for the land between Wells Street and Hall Street, a lot averaging provision permitting 1,500m<sup>2</sup> with a lot density not greater than 5 lots per ha (See Figure 6 for the location of these lot sizes). 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 rural RU4 Primary Production Small Lots.

Figure 6 below is a cadastral map showing the established subdivision pattern in the Pitt Town village and surrounds. Adjacent land (266 meters distance from the subject land) to the west has been subdivided into 650m<sup>2</sup> and 750m<sup>2</sup> lot residential developments in accordance with the HLEP 2012 lot size provisions.

**Figure 6: Pitt Town Village and Surrounds**

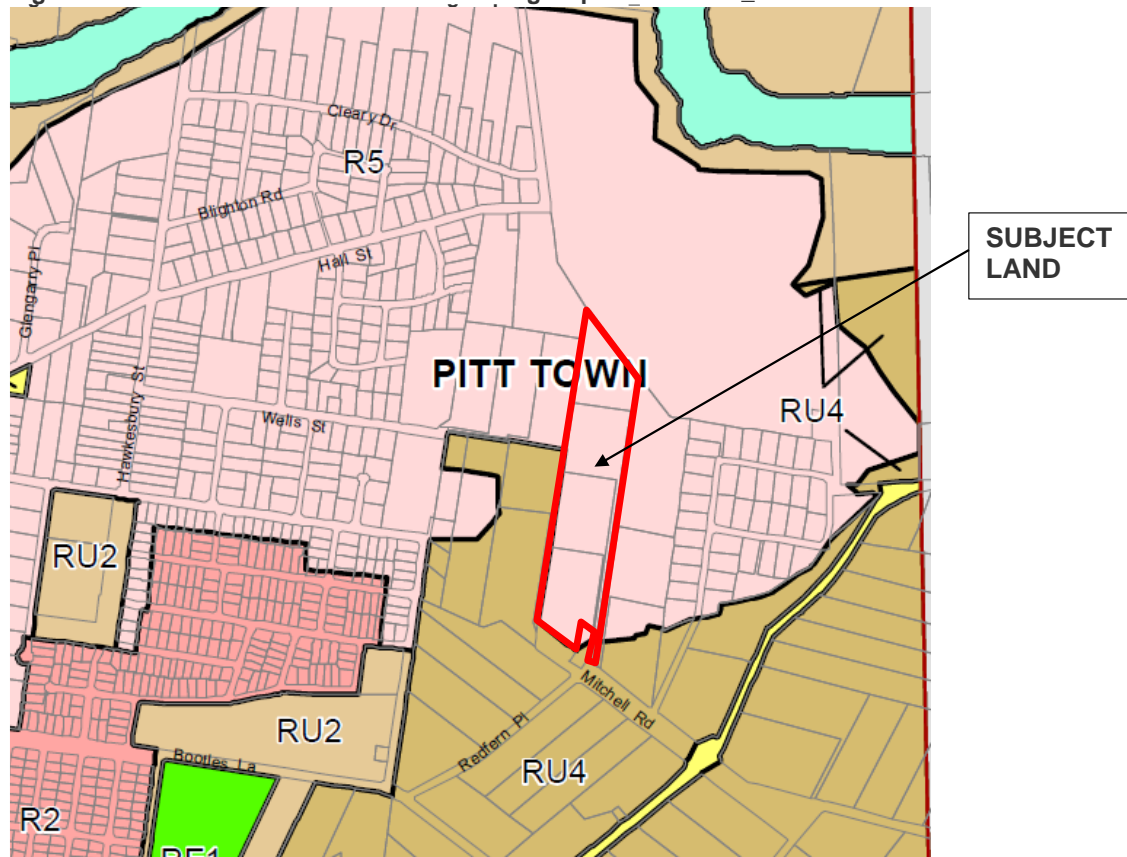


(Source: LPI SIX Maps, February 2022)

## 1.5 Existing Statutory Provisions

The subject land is zoned Urban “R5 Large Lot Residential” under the provisions of Hawkesbury Local Environmental Plan 2012, as shown on Figure 7.

Figure 7: Extract from HLEP 2012 Land Zoning Map – Sheet LZN\_008CA

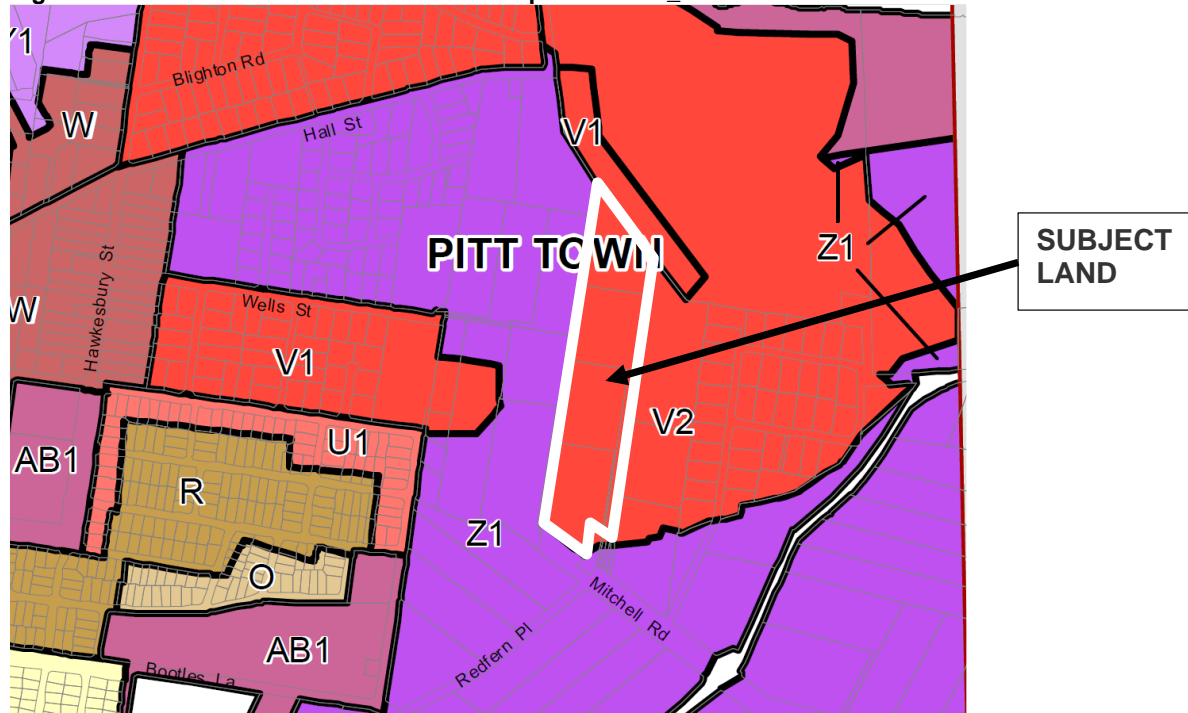


The objectives of the *R5 Large Lot Residential* zone are as follows:

- To provide residential housing in a rural setting while preserving, and minimising impacts on, environmentally 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.
- 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.

In accordance with Clause 4.1 of HLEP 2012 the minimum permissible lot size for the subject land is 2,500m<sup>2</sup> as shown in Figure 8.

Figure 8: Extract from HLEP 2012 Lot Size Map Sheet LSZ\_008C



The planning proposal to reduce the minimum lot size to 1,000m<sup>2</sup> is generally consistent with the objectives of the urban R5 zone as follows:

- The proposed lot sizes will still provide urban residential housing surrounded by a rural setting while preserving, and minimising impacts on, environmentally sensitive locations as the subject land (as shown in Figure 4) is not environmentally sensitive land,
- The proposed development will not hinder the proper and orderly development of the urban land in the locality as it is already zoned for such urban development. In fact, should the planning proposal be supported, the proposed development will assist the proper and orderly development of the urban area by facilitating the construction of the FER and regional evacuation network links,
- The existing public services and infrastructure (including water and sewer) in the locality has sufficient capacity to cater for the amended lot size yield,
- As the current urban zoning of the land does not change there will be no additional land use conflicts,
- Even with the amended lot sizes the proposed development will still be low density urban residential housing.

## 2.0 The Planning Proposal

This Planning Proposal has been prepared in accordance with the requirements of the Environmental Planning and Assessment Act 1979 (in particular, Section 3.33) and the relevant guidelines produced by the Department of Planning and Environment.

The Department of Planning and Environment requires a Planning Proposal to cover six main parts which form the basis of this document as follows:

- 1 Statement of Objectives and Intended Outcomes of the proposed LEP (refer to section 3.0 of the planning proposal)
- 2 Explanation of the Provisions to be included in the LEP (refer to section 4.0 of the planning proposal)
- 3 Justification of strategic and site-specific merit (refer to section 5.0 of the planning proposal)
- 4 Maps to identify intent and applicable area (refer to section 6.0 of the planning proposal)
- 5 Community Consultation proposed to be undertaken on the Draft LEP (refer to section 7.0 of the planning proposal)
- 6 Project timeline (refer to section 8.0 of the planning proposal)

## 3.0 Objectives and Intended Outcomes

The Objectives of the Planning Proposal are:

- Amend the Hawkesbury Local Environmental Plan 2012 Lot Size Map (Sheet LSZ\_008C) to change the minimum lot size from 2,500m<sup>2</sup> to 1,000m<sup>2</sup> To enable the economically viable development of the land,
- Provide an important missing link to the flood evacuation route for the northern section of the Pitt Town Development area, enabling the existing and future development appropriate access to the existing regional flood evacuation route via Pitt Town Dural Road to the east.

The Intended outcome of the Planning Proposal is to increase the urban residential yield from approximately 26 lots to 64 (total increase of 38 lots) which will facilitate and enable the construction of the section of the proposed Pitt Town Flood Evacuation Route (FER) which dissects the land. The FER will result in the increased safety and efficient evacuation of much of the Pitt Town existing development in a flood emergency as it will provide an important link to the regional evacuation route to the east via Pitt Town Dural Road.

## 4.0 Explanation of Provisions

The proposed Outcomes will be achieved by the following changes to the Hawkesbury LEP 2012:

- Amend the Lot Size Map (Sheet LSZ\_008C) relating to Lots 1 to 4 DP 1057585, known as 30A, 30B, 30C and 34 Mitchell Road Pitt Town, to change the minimum lot size from 2,500m<sup>2</sup> to 1,000m<sup>2</sup>.

## 5.0 Justification

### 5.1 Need for the Planning Proposal

#### 5.1.1 *Is the planning proposal a result of an endorsed local strategic planning statement, strategic study or report?*

The development of the Pitt Town Village precinct is the result of Council resolutions in 2002 and Environmental Studies prepared in April and November 2003. The Hawkesbury LEP 1989 was amended by HLEP Amendment No. 145, which was gazetted on 18th August 2006. It should be noted that the LEP amendment introduced lot sizes that were not based on any economic viability assessment but more on subjective opinion of rural residential development at the time. However, this opinion of rural residential development is not appropriate as the existing zoning of the land is Urban not a Rural zoning.

Shortly after that gazettal the Minister for Planning, following application from a developer for Pitt Town, subsequently declared much of the Pitt Town Area to be Major Project under Part 3A of the EP&A Act. The subject land was included in the original urban rezoning of Pitt Town but was not included in the Part 3A declaration at the time. The current Planning Proposal is not prepared as a direct result of any additional strategic study or report but is based on the original planning for the precinct and the development and the need for the provision of the Flood Evacuation Route (FER) that will provide the missing link to the regional FER to the east via Pitt Town Dural Road.

This current planning proposal has also been prepared in response to the matters requested by INSW and DPE following a previous application that included the subject land.

### Local Strategy

The Hawkesbury Residential Land Strategy 2011 noted that the Pitt Town development precinct was to provide additional urban housing capacity and did not require additional land to be released. However, it did identify the need to provide additional housing in suitable locations and centres. Pitt Town was included as a centre in that Strategy.

Similarly, the current Hawkesbury Local Housing Strategy 2020 (LHS) has not identified the release of additional land for development but does identify the need to increase housing density within existing centres.

This planning proposal is not proposing the release of any additional land for development as the subject land is already zoned for urban residential use. This Planning Proposal is consistent with the current 2020 LHS in relation to:

- Consideration of increased residential density in existing urban areas,
- Creates additional housing opportunities in an area which is well located in terms of services and facilities, and
- The planning proposal will facilitate the construction of the long-identified Flood Evacuation Route (FER) that will service the existing residential development by providing the appropriate, and already planned but not yet delivered, connection to the regional FER to the east via Pitt Town Dural Road.

### **5.1.2 Is the planning proposal the best means of achieving the objectives or intended outcomes, or is there a better way?**

Yes.

The exceptions to development standards contained in clause 4.6 of Hawkesbury Local Environmental Plan 2012 would not permit the proposal due to the lot size variation restriction in the R5 urban zone.

Other alternatives for provision and construction of the FER have been considered including the resumption and construction of the FER by council and/or the relocation of the FER on an alternative route. However, it is suggested that in either case the FER would not be constructed efficiently and within a reasonable time at no cost to Council or an alternative developer.

Another alternative is to amend Hawkesbury LEP 2012 as an additional permitted use provision under clause 2.5 (Schedule 1) of the LEP which would apply to the subject land only. This approach would achieve the intended outcome of the planning proposal but is not preferred as it would be contrary to the intentions of the NSW standard instrument approach.

There is no other statutory mechanism available to achieve the objective or intended outcome, i.e., to reduce the minimum lot size from 2,500m<sup>2</sup> to 1,000m<sup>2</sup>.

## **5.2 Relationship to strategic planning framework**

### **5.2.1 Will the planning proposal give effect to the objectives and actions of the applicable regional, or district plan or strategy (including any exhibited draft plans or strategies)?**

The strategic planning context for the consideration of this Planning Proposal includes:

- Greater Sydney Regional Plan
- The Western City District Plan

#### **Greater Sydney Regional Plan - A Metropolis of Three Cities**

The Greater Sydney Region Plan (2018) (The Plan) outlines how Greater Sydney will manage growth and change and guide infrastructure delivery over the next 40 years.

The Vision of the Plan is to meet the needs of a growing and changing population by transforming Greater Sydney into a metropolis of three cities – the Western Parkland City, the Central River City, and the Eastern Harbour City.

The Hawkesbury Local Government Area (LGA) is located within the Western Parkland City. The Plan states that the emerging Western Parkland City will establish the framework for the development and success of an emerging new city. (p 8)

The Plan contains:

- Four key themes
- Measurement tools
- Ten Directions, and
- 40 Objectives

The four key themes are infrastructure and collaboration, liveability, productivity, and sustainability. The most relevant themes to the subject planning proposal are infrastructure and sustainability.

The “Infrastructure” theme seeks to deliver “A city supported by infrastructure” (p.35) and this Planning Proposal for the development of the subject site is consistent with this theme as the existing infrastructure available in the precinct currently has capacity to service the proposed development. The planning proposal, if supported, will also facilitate the provision of the FER which has been planned but has not been delivered to date. In this regard, the construction of the FER is behind schedule given the existing level of development in Pitt Town.

The relevant Objectives of the Plan are as follows:

*Objective 2 - Align forecast growth with infrastructure*

Whilst the planning for the FER in Pitt Town is in place, the existing growth has now passed the point where infrastructure provision is aligned with the pace of growth. The existing urban development is to the point where the construction of the FER is becoming critical. This planning proposal, if supported would facilitate the alignment of the required infrastructure (FER) with the existing and planned growth in the precinct.

*Objective 4 – Infrastructure use is optimised*

The Hawkesbury DCP 2002 states:

*“The Hall Street – Redfern Place link road (the FER) is to be a landscaped boulevard incorporating appropriate street trees within the road reserve.”*

This road is approximately 900m long within the subject land and is required to be constructed at a greater standard and landscaping than other roads in the precinct. Under the current planning controls (2,500m<sup>2</sup> lots) that limit the development of the site to a yield of 26 lots makes the current infrastructure for the FER underutilised. The planning proposal, if supported would utilise this infrastructure more efficiently.

*Objective 10 – Greater Housing Supply*

The planning proposal will not contribute significantly to the greater housing supply in Sydney. However, given the very limited land available in the locality that is not flood affected, the subject land is a logical location to provide limited additional housing. In this regard the proposal is consistent with this objective.

*Objective 29 – Environmental, Social and Economic Values in Rural Areas are protected and Enhanced*

“Landuses in the Metropolitan Rural Area will be influenced by:

- ...
- Local demand to live and work in a rural town or village.”
- ...

“The distinctive towns and villages of the Metropolitan Rural Area offer opportunities for people to live and work in attractive rural or bushland settings, close to a major city.”



### **Metropolitan Rural Areas**

The Plan defines the metropolitan Rural Area in a general way as follows:

*“The Metropolitan Rural Area (refer to Figure 49) has a wide range of environmental, social and economic values. It covers almost one quarter of Greater Sydney and contains farms; rural towns and villages; rural residential developments; heritage, scenic and cultural landscapes; mineral resources; and locations for recreation and tourism.”*

Figure 49 of this Plan is not reproduced in this planning proposal; however, the mapped Metropolitan Rural Area covers a vast area of the Sydney basin to the north and north west from Hornsby and Rouse Hill; Windsor, Richmond, Pitt Town; the Blue Mountains and west of the Western Sydney Airport and Campbelltown.

It is evident from the discussion in this Plan that the restrictions on the Metropolitan Rural Areas is to slow or prevent urban sprawl and to protect the scenic, environmental, and other important values of the areas.

The intent to protect these locations is admirable and is generally supported, however, the term Metropolitan Rural Area (MRA) should not be used as a ‘catch all’ to prevent any form of development in those areas as such an approach would not be consistent with the intent of identifying the MRA.

The subject land, whilst located in the broader mapping of the MRA, is located within the urban zoning of the Pitt Town Village. The planning proposal is not proposing to expand the footprint of the Pitt Town village but rather proposes a modest increase to the permitted density of the site that is already zoned for urban residential development under the provisions of the relevant planning Instruments.

As this planning proposal relates to land that is already zoned for urban residential development; is not increasing the footprint of the existing Pitt Town village; is not proposing changes to the type of land use but only a minor amendment to the density of that land use; and will provide a significant social benefit to the local community by facilitating the connection to the regional FER to the east, it is considered that this current proposal is not contrary to the intent of the planning for the Metropolitan Rural Areas of this Plan.

*Strategy 29.1 – Maintain or enhance the values of the Metropolitan Rural Area using place-based planning to deliver targeted environmental, social and economic outcomes.*

This planning proposal uses a place-based approach to the proposed change to dwelling density on the subject land to facilitate the provision of the Flood Evacuation Route for Pitt Town. The minor change to urban dwelling density in this existing urban zone does not have any detrimental environmental impacts (as discussed elsewhere in this proposal) and will have positive social and economic impacts in the village through the provision of the FER and an increase in the residential density will support the local businesses in the village.

*A resilient city – Objective 37 – Exposure to natural and urban hazards is reduced*

The Plan states (P177)

*“Resilient Valley, Resilient Communities - Hawkesbury-Nepean Valley Flood Risk Management Strategy aims to reduce the potential risk to life, the economy and communities. This strategy highlights the importance of strategic and integrated land use and road planning and adequate local roads for evacuation. “*

(The above Flood Risk Management Strategy is discussed further in section 5.2.3 of this planning proposal.)

Strategies 37.1 & 37.2 in the Plan relate to the above to limit development in areas exposed to hazards and to manage flood risk in the Hawkesbury-Nepean valley in accordance with the abovementioned strategy.

The planning proposal is consistent with the strategy in that the subject land has a low exposure to flood affectation and if the planning proposal is supported, any subsequent development of the site will also facilitate the flood evacuation of the Pitt Town precinct.

### **Western City District Plan**

The *Western City District Plan* sets out the planning priorities and actions for Greater Sydney's western parkland city, which includes the local government area of Hawkesbury.

The *Western City District Plan* provides the means by which the Greater Sydney Region Plan can be put into action at a local level, by setting out the opportunities, priorities and actions for the growth and development of the western parkland city.

In keeping with the Greater Sydney Region Plan each District Plan contains:

- Four key themes – infrastructure and collaboration, liveability, productivity, and sustainability
- Ten Directions – to guide the balanced delivery of the theme
- Metrics – to measure successful delivery of the plans
- District-specific Planning Priorities and Actions – to achieve results that provide a great quality of life for people in the district.

The Planning Priorities particularly relevant to the proposal are addressed in the following;

- *Planning Priority W1 – Planning for a city supported by infrastructure.*

The planning for the Pitt Town development precinct/village has included the provision of infrastructure, particularly the FER. However, the existing growth in the precinct has outpaced the infrastructure provision in relation to the FER. As such, the existing development and planning does not align with the infrastructure delivery and the pace of growth. The planning proposal, if supported, will facilitate the provision of the FER, and assist in rectifying the alignment of infrastructure provision with growth.

- Planning Priority W17 - Better managing rural areas

The Plan states (P125):

*The Western City District's rural areas contribute to habitat and biodiversity, support productive agriculture, provide mineral and energy resources, and sustain local rural towns and villages. They are part of the larger Metropolitan Rural Area.*

And on P126:

*Urban development in the Metropolitan Rural Area will only be considered in the urban investigation areas identified in A Metropolis of Three Cities. This approach complements Action 30 of this plan to protect and support agricultural production and mineral resources by preventing inappropriately dispersed urban activities in rural areas.....*

*Limited growth of rural-residential development could be considered where there are no adverse impacts on the amenity of the local area and the development provides incentives to maintain and enhance the environmental, social and economic values of the Metropolitan Rural Area.*

As stated in comments to the *Greater Sydney Regional Plan* above, the intent to protect these locations is admirable and is generally supported, however, the term Metropolitan Rural Area (MRA) should not be used as a ‘catch all’ to prevent any form of development in those areas as such an approach would not be consistent with the intent of those aims.

The subject land, whilst located in the broader mapping of the MRA, is located within the existing urban zoning of the Pitt Town Village, i.e., it is not an urban investigation area nor is it proposed to change the land use zoning of the site. The planning proposal is not proposing to expand the footprint of the Pitt Town village but rather proposes a modest increase to the permitted density of the site that is already zoned for urban residential development under the relevant planning Instruments.

As this planning proposal relates to land that is already zoned for urban residential development; is not increasing the footprint of the existing Pitt Town village; is not proposing changes to the type of land use but only a minor amendment to the density of that land use; and will provide a significant social benefit to the local community by facilitating the connection to the regional FER to the east, it is considered that this current proposal is not contrary to the intent of the planning for the Metropolitan Rural Areas of this Plan.

- *Planning Priority W20 – Adapting to the impacts of urban and natural hazards and climate change*

Objective 37 of the District Plan is *“Exposure to natural and urban hazards is reduced.”* The existing development in Pitt Town has outpaced the provision of the FER. The planning proposal, if supported, will facilitate the construction of the FER, thereby reducing the exposure to natural hazards (flood) by improving evacuation of existing residents and create a better alignment with the objectives of the District Plan.

Page 137 of the Western City District Plan addresses flooding in the Hawkesbury-Nepean Valley. The Plan acknowledges that there is additional work and planning required to adequately address flood related issues. However, the Plan also states that *“while this work is underway, the following planning principles will be applied to both local strategic planning and development decisions”*:

- *avoiding intensification and new urban development on land below the current 1 in 100 chance per year flood event (1 per cent annual exceedance probability flood event)*

**Comment**

The subject land is located above the 1 in 100 chance per year flood level of 17.3m AHD as the land is above 20m AHD. In this regard, any intensification of new urban development on the land would be consistent with the District Plan. Also, the construction of the FER through the subject land will increase effectiveness of the existing flood evacuation routes from Pitt Town as this links to the highest flood evacuation route as shown below:

Mitchell Road/Cattai Road	16.00m AHD (Link through subject land)
Eldon Street	10.2m AHD
Cattai Road/Windsor Road	7.00m AHD

- *applying flood related development controls on land between the 1 in 100 chance per year flood level and the PMF level*

**Comment**

The subject land is already zoned for large lot residential development and this planning proposal is not proposing to change the zoning of the land. In this regard, the planning proposal will not change the flood related development controls that can apply to any development and is already consistent with the District Plan.

- *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*

**Comment**

The subject land, being above the 1 in 100 chance per year flood level and located on the Flood Evacuation Route has a low flood risk. The facilitation of the FER through the subject land will also provide significant benefit to the northern area of the Pitt Town village with improved access to the regional FER to the east via Pitt Town Dural Road.

Attached to this planning proposal is a review of the regional flood evacuation capacity (See Molino Stewart letters, attachments 1 & 2)) that indicates that there is sufficient evacuation capacity. This is also supported by an audit of existing and permitted development undertaken by Council in 2021 (See attachment 3 to this report). As such the planning proposal is consistent with the District Plan.

- *balancing desired development outcomes in strategic centres with appropriate flood risk management outcomes*

**Comment**

Should the planning proposal be supported, the proposed reduction in the minimum lot size will result in an additional 38 lots. In the context of the Pitt Town development area/precinct with a capacity of over 1,100 additional allotments, the change in lot numbers is relatively insignificant, but the delivery of the FER will provide substantial community benefits to the Pitt Town precinct by facilitating improved access to the regional FER to the east via Pitt Town Dural Road.

- *avoiding alterations to flood storage capacity of the floodplain and flood behaviour through filling and excavation ('cut and fill') or other earthworks*

**Comment**

The land is above the 1 in 100 chance per year flood level and any cut or fill of the site will not impact flood storage capacity.

- *applying more flood-compatible building techniques and subdivision design for greater resilience to flooding.*

**Comment**

Should the planning proposal be supported flood-compatible building techniques and subdivision design, subject to adequate provision of the FER, can be applied at the development application stage.

## **5.2.2 Is the planning proposal consistent with a council LSPS that has been endorsed by the Planning Secretary or GSC, or another endorsed local strategy or strategic plan?**

### **The Hawkesbury Community Strategic Plan**

The Hawkesbury Community Strategic Plan (CSP) deals with the broad range of activities under Council's influence. The relevant Key Directions and Strategies relevant to the planning proposal and comments on the proposal's consistency with these strategies is as follows:

*2.1.1 Meet the needs of our community through effective flood, fire and other natural disaster management plans that promote the protection of life, property and infrastructure.*

The Flood Evacuation Route through the subject land is a key element in the overall planning of the Pitt Town precinct. The current evacuation routes from Pitt Town and their AHD heights are shown below:

Mitchell Road/Cattai Road	16.00m AHD
Eldon Street	10.2m AHD
Cattai Road/Windsor Road	7.00m AHD

It is clear from the above levels that the completion of the FER through the subject land will provide more effective flood evacuation for the Pitt Town precinct. Future development on the subject land will provide improved access to the regional FER to the east via Pitt Town Dural Road, thereby diverting much of the evacuation away from the Eldon Street (10.2m AHD) and Cattai/Windsor Road (7.00m AHD) towards the regional FER to the east via Cattai Road/Pitt Town Dural Road.

The facilitation of delivering this FER, via the support of the planning proposal, will be consistent with this key strategy of the CSP.

*4.1.1 Our roads and other transport infrastructure will be planned and provided to ensure connected, efficient and safe movement for all modes of transport*

The FER, which will also form part of the planned bus route, has been part of the planning for development in Pitt Town from the origin of that planning. Residential development has progressed ahead of the delivery of the FER and this essential infrastructure is lagging the development with no definite delivery program in place. Support of the Planning proposal will facilitate the delivery of the FER and bus route and support Council in achieving this CSP strategy.

*4.2.2 New development and infrastructure provision is aligned and meets community needs.*

As mentioned, the planning for the precinct included the alignment of infrastructure delivery with growth. It is clear from a review of the community expectations, wants and needs that were collected as part of the CSP preparation, that the alignment of growth and infrastructure was paramount. Support for the planning proposal will rectify the current misalignment of growth and infrastructure and facilitate the achievement of this CSP strategy.

## Hawkesbury Local Strategic Planning Statement

The Hawkesbury Local Strategic Planning Statement (LSPS) deals with the range of land use activities and planning under Council's influence. The LSPS contains four themes; Infrastructure and Collaboration; Community; Economy and Productivity; Environment; with each theme containing various Planning Priorities. The Priorities and Actions relevant to the planning proposal and comments on the proposal's consistency with these strategies is as follows:

*Priority 1 – Ensure infrastructure aligns with current needs and future growth*

### Comment

As mentioned previously, the delivery of infrastructure and growth are becoming increasingly misaligned in Pitt Town in relation to the delivery of the FER. Support for the planning proposal will facilitate the delivery of the FER and enable Council to meet this LSPS priority.

*Priority 10 – An aware and resilient city that can adapt to natural hazards of flood, bushfire and climate change.*

*Action 10.1 Continue on-going community preparedness, awareness and resilience against natural hazards of flood, bushfire and climate change.*

### Comment

Part of awareness and a resilient city is providing consistent information and education about natural hazards. The Pitt Town plans for flood awareness and evacuation contain the proposed FER. However, as the FER has lagged development of the precinct, the education in relation to flood evacuation is confused as there are currently multiple access routes within Pitt Town for the northern area residents to gain access to the regional flood evacuation route on Pitt Town-Dural Road. Support for the planning proposal will facilitate the completion of the FER and clarify and simplify the education for flood evacuation.

*10.4 -Develop planning controls to protect and mitigate development in areas prone to natural hazards including bushfire and flood where the risk to life and property is high.*

### Comment

The flood risk for the subject land is low with some of the surrounding land having a higher hazard risk due to the incomplete FER. Support for the planning proposal will assist to reduce the risk to surrounding land by facilitating the delivery of the FER and providing improved access to the regional FER to the east via Pitt Town Dural Road. Support of the planning proposal will assist Council in achieving this LSPS Action.

## Hawkesbury Local Housing Strategy

The current Local Housing Strategy (LHS) has been adopted by Council and the (now) Department of Planning and Environment issued its conditional endorsement of the LHS on 3 September 2021. The LHS is silent about the Pitt Town locality and is focused on the North-West Growth centre at Vineyard. However, the LHS does contain a deliberate focus to "Maximise the potential of existing urban lands".

The LHS, and the Department of Planning and Environment endorsement, provide for the consideration of proponent-initiated proposals that are "out-of-sequence" or not identified in

the LHS. This is evidenced in particular by the Department's endorsement letter stating the following requirement:

*“Council is to prepare principles for assessing proponent-initiated requests for planning proposals, including out-of-sequence criteria to consider any additional opportunities for growth that are not identified in its LHS, or for urban renewal opportunities.”*

The support for the planning proposal will result in a modest increase in lots for the Pitt Town urban lands thereby increasing the potential of existing urban lands. As indicated above, the LHS and the Department's endorsement requirements accept that there is potential for provision of additional housing in areas or situations that are not specifically identified in the LHS. It is considered that this planning proposal is one such instance where there is strategic, economic and flood evacuation safety merit in supporting the proposal. As such, it is considered that this planning proposal to modify the minimum lot sizes over the subject land is consistent with the LHS.

### **5.2.3 Is the planning proposal consistent with any other applicable State and regional studies or strategies?**

#### **Resilient Valley, Resilient Communities – Hawkesbury-Nepean Valley Flood Risk Management Strategy 2017**

The *Resilient Valley, Resilient Communities – Hawkesbury-Nepean Valley Flood Risk Management Strategy 2017* aims to reduce the potential risk to life, the economy, and communities. This strategy highlights the importance of strategic and integrated land use and road planning and the provision of adequate local roads for flood evacuation.

This Flood Strategy has 9 key outcomes being:

1. Coordinated flood risk management across the Valley now and in the future
2. Reduced flood risk in the Valley by raising Warragamba Dam wall
3. Strategic and integrated land use and road planning
4. Accessible contemporary flood risk information
5. An aware, prepared, and responsive community
6. Improved weather and flood predictions
7. Best practice emergency response and recovery
8. Adequate local roads for evacuation
9. Ongoing monitoring and evaluation, reporting and improvement of the Flood Strategy

Outcomes 3 and 8 are the most relevant to this planning proposal.

In the Pitt Town locality, the road planning (outcome 3 above) has been undertaken at the local level to join with the regional road network and this planning is generally consistent with this Strategy.

However, the incomplete FER in the Pitt Town precinct is not currently consistent with Outcome 8 of the Strategy. Support for the planning proposal will facilitate the delivery of a significant part of the local evacuation route. This will provide improved access to the regional FER to the east, via Pitt Town Dural Road, and improve the road evacuation system for the northern precincts of Pitt Town. Support for the planning proposal would thus be an action that is consistent with achieving Outcome 8 of the Strategy in relation to the Pitt Town locality.

### 5.2.4 The Minister's Planning Principles – A Plan for Sustainable Development in NSW

In December 2021 the then Minister for Planning and Public Spaces released a set of 'Planning Principles' to guide planning and development in New South Wales. Subsequently, the new Planning Minister, in March 2022, abandoned these new principles. Despite this a review of the Principles has been included in this planning proposal as part of the consideration of the strategic merit and justification for support of the planning proposal. The nine Principles are:

1. **Planning systems:** A strategic and inclusive planning system for the community and the environment
2. **Design and place:** Delivering well-designed places that enhance quality of life, the environment and the economy
3. **Biodiversity and conservation:** Preserving, conserving and managing NSW's natural environment and heritage
4. **Resilience and hazards:** Managing risks and building resilience in the face of hazards
5. **Transport and infrastructure:** Providing well-designed and located transport and infrastructure integrated with land use
6. **Housing:** Delivering a sufficient supply of safe, diverse and affordable housing
7. **Industry and employment:** Growing a competitive and resilient economy that is adaptive, innovative and delivers jobs
8. **Resources and energy:** Promoting the sustainable use of NSW's resources and transitioning to renewable energy
9. **Primary production:** Protecting and supporting agricultural lands and opportunities for primary production.

The Minister's document included guidance on the application of the Principles and stated:

*The Planning Principles are not designed to be directly considered by consent authorities, such as local councils, when they assess development. Rather, the Planning Principles will shape on the ground outcomes and promote sustainable development by informing strategic and land use policy decisions that will subsequently inform development assessment and decision-making.*

*The Planning Principles provide a contemporary reference point which, over time, will be reviewed and adapted to reflect changes in community needs and planning priorities for NSW. Ongoing monitoring and evaluation are also required to ensure the principles remain effective in influencing planning in NSW and, ultimately, supporting sustainable development.*

The most relevant Principles to the planning proposal are 4, 5 and 6 of the above. General comments on the consistency with these Principles is included in the following:

4. **Resilience and hazards:** Managing risks and building resilience in the face of hazards

The planning proposal will facilitate the delivery of a substantial part of the FER and improve connections to the regional FER to the east of Pitt Town. Whilst the current planning for Pitt Town has included the planning and timing for delivery of the FER, there is a need to consider the delivery of the FER against a risk management approach in accordance with this Principle.



The consideration of the planning proposal must consider the on-going risk to the existing urban development that has taken place in the locality and the need to provide mitigation and management measures to reduce the risk to the existing and future population. The planning proposal proposes a change to the minimum lot size only and this minor change to the planning controls will result in significant flood evacuation mitigation to the current population in the locality by facilitating the delivery of the FER.

5. **Transport and infrastructure:** Providing well-designed and located transport and infrastructure integrated with land use

The FER will also provide for a major bus route to service the existing population in the northern part of Pitt Town. The support of the planning proposal to facilitate this FER and bus route will be consistent with this Planning Principle.

6. **Housing:** Delivering a sufficient supply of safe, diverse and affordable housing

As mentioned previously, the planning proposal is not intended to contribute significantly to the housing supply in the locality or region. Similarly, the proposed change to the housing density provisions is not inconsistent with the Metropolitan Rural Area intent as the subject land is an existing urban zoning and does not increase the footprint of the Pitt Town village. However, the small increase in housing will significantly contribute to the more efficient use of urban land and, more importantly, contribute to safer housing by facilitating the delivery of the FER and connections to the regional evacuation network.

### 5.2.5 Is the planning proposal consistent with applicable SEPPs?

A summary assessment of the Planning Proposal in terms of State Environmental Planning Policies that are relevant to the Hawkesbury Local Government Area is contained in the table below (Table 1).

This assessment indicates that the draft LEP contained in this Planning Proposal is consistent with all relevant State environmental planning policies.

**Table 1 – Consistency with relevant SEPPs**

State Environmental Planning Policies (SEPPs)	Consistent		N/A
	YES	NO	
State Environmental Planning Policy (Planning Systems) 2021			X
State Environmental Planning Policy (Biodiversity and Conservation) 2021	X See details of consistency following this table.		
State Environmental Planning Policy (Resilience and Hazards) 2021	X See details of consistency following this table.		
State Environmental Planning Policy (Transport and Infrastructure) 2021			X
State Environmental Planning Policy (Industry and Employment) 2021			X
State Environmental Planning Policy (Resources and Energy) 2021			X
State Environmental Planning Policy (Primary Production) 2021			X
State Environmental Planning Policy (Precincts – Eastern Harbour City) 2021			X
State Environmental Planning Policy (Precincts – Central River City) 2021			X
State Environmental Planning Policy (Precincts – Western Parkland City) 2021			X
State Environmental Planning Policy (Precincts – Regional) 2021			X

## **State Environmental Planning Policy (Biodiversity and Conservation) 2021**

The aim of this part of the SEPP is similar to the previous SREP 20 and is to protect the environment of the Hawkesbury – Nepean River system by ensuring that the impacts of future land uses are considered in a regional context. The SEPP provides general planning considerations, specific planning policies and recommended strategies. The following specific parts of this policy are relevant to the Planning Proposal:

### **(1) Total catchment management**

**Policy: Total catchment management is to be integrated with environmental planning for the catchment.**

#### **Strategies:**

- (a) Refer the application or other proposal for comment to the councils of each adjacent or downstream local government area which is likely to suffer a significant adverse environmental effect from the proposal.*
- (b) Consider the impact of the development concerned on the catchment.*
- (c) Consider the cumulative environmental impact of development proposals on the catchment.*

The land drains naturally to the south-east. Future development of the land, whether as per the existing planning Controls or as amended by support for this planning proposal, will be connected to the Pitt Town sewerage scheme, while stormwater drainage will be designed in accordance with best practice and in compliance with the stormwater performance criteria contained in the Hawkesbury Development Control Plan, Pitt Town Chapter.

It is considered that the proposal to amend the lot size is a minor spot zoning change and will have minimal impact on stormwater runoff from the land or on the Hawkesbury River Catchment. The land is already zoned for large lot residential development. It is considered that the proposal will have no adverse cumulative impact.

### **(6) Flora and fauna**

**Policy: Manage flora and fauna communities so that the diversity of species and genetics within the catchment is conserved and enhanced.**

The land is cleared pasture, with only a few trees and plantings associated with existing residential gardens. Road construction will incorporate the planting of street trees.

It is considered that the proposal will have a nil to positive impact on flora and fauna.

## **(10) Urban development**

**Policy: All potential adverse environmental impacts of urban development must be assessed and controlled.**

### **Strategies:**

*(a) When considering a proposal for the rezoning or subdivision of land which will increase the intensity of development of that land (for example, by increasing cleared or hard surface areas) so that effluent equivalent to that produced by more than 2,500 people will be generated, consider requiring the preparation of a Total Water Cycle Management Study or Plan.*

*(b) Consider urban design options to reduce environmental impacts (such as variable lot sizes and shapes, and the clustering of development).*

The development will be connected to the Pitt Town reticulated sewerage scheme. Stormwater drainage is controlled by strict development control plan requirements. It is considered that the proposal will have no adverse impacts.

It is submitted that this planning proposal will not conflict with the relevant policies and strategies and is therefore consistent with this SEPP.

## **State Environmental Planning Policy (Resilience and Hazards) 2021**

The land has been used for agriculture for many years prior to 1976; however, there is no evidence to suggest that previous agriculture would give rise to contamination.

In 1979 approximately 2.5 hectares of silica sand was extracted under Hawkesbury Council approval and the remaining "hole" was used as settling ponds which created dangerous quicksand areas.

This portion of land was filled with imported material under Council's development approval SA60/95 and to raise the area to its prior levels. Council was appointed as certifier and was provided with the relevant soil contamination and compaction reports. The reports were provided by Geotech and Brinks and Associates.

It is expected that further reports will be required for any future development under the existing development controls or if the planning proposal is supported, and further subdivision is approved.

In terms of this planning proposal, it is considered that no study is warranted to progress to the Gateway determination. However, it is suggested that a Phase 1 contamination report be provided prior to finalising a draft local environmental plan amendment.

**5.2.6 Is the planning proposal consistent with applicable Ministerial Directions (s.9.1 directions)?**

The following is a list of Directions issued by the Minister for Planning to relevant planning authorities under section 9.1 of the *Environmental Planning and Assessment Act 1979*. These directions apply to planning proposals lodged with the Department of Planning and Environment on or after the date the direction was issued:

**Consideration of Relevant Section 9.1 Directions applying to planning proposals**

<b><u>Ministerial Directions under Section 9.1 of the Environmental Planning and Assessment Act 1979</u></b>	<b>Consistent</b>		<b>N/A</b>
	<b>YES</b>	<b>NO</b>	
<b>Focus Area 1: Planning Systems</b>			
<b><u>1.1 Implementation of the Minister’s Planning Principles</u></b> <b>Objective:</b> Give legal effect to the Minister’s Planning Principles and support improved outcomes through consideration of planning principles that are relevant to the planning proposal.	X See details of consistency following this table.		
<b><u>1.2 Implementation of Regional Plans</u></b> <b>Objective:</b> To give legal effect to the vision, land use strategy, goals, directions, and actions contained in Regional Plans.	X See section 5.2.1 above		
<b><u>1.3 Development of Aboriginal Land Council land</u></b> <b>Objective:</b> To provide consideration of development delivery plans prepared under <i>State Environmental Planning Policy (Aboriginal Land) 2019</i> .			X
<b><u>1.4 Approval and Referral Requirements</u></b> <b>Objective:</b> To ensure that LEP provisions encourage the efficient and appropriate assessment of development.	X No referrals proposed in proposal		
<b><u>1.5 Site Specific Provisions</u></b> <b>Objective:</b> To discourage unnecessary restrictive site specific planning controls.	X No site specific provisions proposed		
<b>Focus Area 1: Planning Systems – Place-based</b>			
<b><u>1.6 Parramatta Road Corridor Urban Transformation Strategy</u></b> <b>Objective:</b> To facilitate development within the Corridor that is consistent with the Strategy and the Parramatta Road Corridor Implementation Tool Kit.			X
<b><u>1.7 Implementation of North West Priority Growth Area Interim Land Use and Infrastructure Implementation Plan</u></b> <b>Objective:</b> To ensure development within the North West Priority Growth Area is consistent with the Strategy.			X
<b><u>1.8 Implementation of Greater Parramatta Priority Growth Area Interim Land Use and Infrastructure Implementation Plan</u></b> <b>Objective:</b> To ensure development within the Area is consistent with the Implementation Plan.			X

<b><u>Ministerial Directions under Section 9.1 of the Environmental Planning and Assessment Act 1979</u></b>	<b>Consistent</b>		<b>N/A</b>
	<b>YES</b>	<b>NO</b>	
<b><u>1.9 Implementation of Wilton Priority Growth Area Interim Land Use and Infrastructure Implementation Plan</u></b> <b>Objective:</b> To ensure development within the Priority Growth Area is consistent with the Implementation Plan and Background Analysis.			X
<b><u>1.10 Implementation of Glenfield to Macarthur Urban Renewal Corridor</u></b> <b>Objective:</b> To ensure development within the precincts between Glenfield and Macarthur is consistent with the plans for these precincts.			X
<b><u>1.11 Implementation of the Western Sydney Aerotropolis Plan</u></b> <b>Objective:</b> To ensure development within the Western Sydney Aerotropolis is consistent with the Stage 1 Western Sydney Aerotropolis Land Use and Infrastructure Implementation Plan dated August 2018.			X
<b><u>1.12 Implementation of Bayside West Precincts 2036 Plan</u></b> <b>Objective:</b> To ensure development within the Bayside West Precincts is consistent with the Bayside West Precincts 2036 Plan.			X
<b><u>1.13 Implementation of Planning Principles for the Cooks Cove Precinct</u></b> <b>Objective:</b> To ensure development within the Cooks Cove Precinct is consistent with the Cooks Cove Planning Principles.			X
<b><u>1.14 Implementation of St Leonards and Crows Nest 2036 Plan</u></b>			X
<b><u>1.15 Implementation of Greater Macarthur 2040</u></b>			X
<b><u>1.16 Implementation of Pymont Peninsula Place Strategy</u></b>			X
<b><u>1.17 North West Rail Link Corridor Strategy</u></b>			X

<b><u>Ministerial Directions under Section 9.1 of the Environmental Planning and Assessment Act 1979</u></b>	<b>Consistent</b>		<b>N/A</b>
	<b>YES</b>	<b>NO</b>	
<b>3. Biodiversity and Conservation</b>			
<b><u>3.1 Conservation Zones</u></b> <b>Objective:</b> To protect and conserve environmentally sensitive areas.			X
<b><u>3.2 Heritage Conservation</u></b> <b>Objective:</b> To conserve items, areas, objects and places of environmental heritage significance and indigenous heritage significance.			X
<b><u>3.3 Sydney Drinking Water Catchments</u></b> <b>Objective:</b> To protect water quality in the Sydney drinking water catchment.			X
<b><u>3.4 Application fo E2 and E3 Zones and Environmental Overlays in Far North Coast LEPs</u></b> <b>Objective:</b> To ensure that a balanced and consistnet approach is taken when applying environmental protection zones and overlays to lad on the NSW Far North Coast			X
<b><u>3.5 Recreation Vehicle Areas</u></b> <b>Objective:</b> To protect sensitive land from adverse impacts from recreation vehicles.			X

<b><u>Ministerial Directions under Section 9.1 of the Environmental Planning and Assessment Act 1979</u></b>	<b>Consistent</b>		<b>N/A</b>
	<b>YES</b>	<b>NO</b>	
<b>4. Resilience and Hazards</b>			
<b><u>4.1 Flooding</u></b> <b>Objective:</b> To ensure an LEP includes consideration of appropriate flood impacts.	X See sections 5.2.2, 5.2.3 above		
<b><u>4.2 Coastal Management</u></b> <b>Objective:</b> To protect and manage coastal areas of NSW			X
<b><u>4.3 Planning for Bushfire Protection</u></b> <b>Objective:</b> To encourage sound management of bush fire prone areas.	X		
<b><u>4.4 Remediation of Contaminated Land</u></b> <b>Objective:</b> To reduce the risk of harm to human health and the environment by ensuring that contamination and remediation are considered by planning proposal authorities.	X See section 5.2.4		
<b><u>4.5 Acid Sulfate Soils</u></b> <b>Objective:</b> To avoid significant adverse impacts from use of land that contains acid sulfate soils.	X The land has Class 5 Acid Sulfate soil potential. No additional investigation is required.		
<b><u>4.6 Mine Subsidence and Unstable Land</u></b>			X

<b><u>Ministerial Directions under Section 9.1 of the Environmental Planning and Assessment Act 1979</u></b>	<b>Consistent</b>		<b>N/A</b>
	<b>YES</b>	<b>NO</b>	
<b>Objective:</b> To prevent damage to life, property and the environment on land identified as subject to mine subsidence.			

<b><u>Ministerial Directions under Section 9.1 of the Environmental Planning and Assessment Act 1979</u></b>	<b>Consistent</b>		<b>N/A</b>
	<b>YES</b>	<b>NO</b>	
<b>5. Transport and Infrastructure</b>			
<b><u>5.1 Integrating Land Use and Transport</u></b> <b>Objectives</b> are: <ul style="list-style-type: none"> <li>○ Improving access to housing, jobs, and services by walking, cycling and public transport</li> <li>○ Increasing choice of available transport and reduce dependence on cars, and</li> <li>○ reducing travel demand including the number of trips generated by development and the distances travelled, especially by car, and</li> <li>○ supporting the efficient and viable operation of public transport services, and</li> <li>○ Providing for the efficient movement of freight</li> </ul>	X See sections 5.2.2, 5.2.3 above		
<b><u>5.2 Reserving Land for Public Purposes</u></b> <b>Objective:</b> To <ul style="list-style-type: none"> <li>○ facilitate the provision of public services and facilities, and</li> <li>○ facilitate the removal of reservations of land for public purposes where the land is no longer required for acquisition.</li> </ul>	X Proposal will facilitate the FER for public use		
<b><u>5.3 Development Near Regulated Airports and Defence Airfields</u></b> <b>Objective:</b> To ensure safe and effective operation of Regulated Airports and Defence Airfields.			X
<b><u>5.4 Shooting Ranges</u></b> <b>Objective:</b> To reduce land use conflict, maintain appropriate levels of public safety and amenity.			X



<b><u>Ministerial Directions under Section 9.1 of the Environmental Planning and Assessment Act 1979</u></b>	Consistent		N/A
	YES	NO	
<b>6. Housing</b>			
<b><u>6.1 Residential Zones</u></b> <b>Objectives</b> are: <ul style="list-style-type: none"> <li>○ To encourage a variety and choice of housing types to provide for existing and future housing needs,</li> <li>○ To make efficient use of existing infrastructure and services and endure that new housing has appropriate access to infrastructure and services, and</li> <li>○ To minimise the impact of residential development on the environment and resource lands.</li> </ul>	X	See section 5 above.	
<b><u>6.2 Caravan Parks and Manufactured Home Estates</u></b> <b>Objective:</b> To <ul style="list-style-type: none"> <li>○ provide a variety of housing types, and</li> <li>○ provide opportunities for caravan parks and manufactured home estates.</li> </ul>			X

<b><u>Ministerial Directions under Section 9.1 of the Environmental Planning and Assessment Act 1979</u></b>	Consistent		N/A
	YES	NO	
<b>7. Industry and Development</b>			
<b><u>7.1 Business and Industrial Zones</u></b> <b>Objectives</b> are:- <ul style="list-style-type: none"> <li>○ Encourage employment growth in suitable locations</li> <li>○ Protect employment land in business and industrial zones, and</li> <li>○ Support the viability of identified centres.</li> </ul>			X
<b><u>7.2 Reduction on Non-hosted Short Term Rental Accommodation Period</u></b> <b>Objective:</b> To <ul style="list-style-type: none"> <li>○ mitigate significant impacts of short-term rental accommodation where non-hosted short-term rental accommodation period are to be reduced, and</li> <li>○ ensure the impacts of short-term rental accommodation and views of the community are considered.</li> </ul>			X
<b><u>7.3 Commercial and Retail Development along the Pacific Highway, North Coast</u></b> <b>Objective:</b> To manage commercial and retail development along the Pacific Hwy.			X

<b><u>Ministerial Directions under Section 9.1 of the Environmental Planning and Assessment Act 1979</u></b>	<b>Consistent</b>		<b>N/A</b>
	<b>YES</b>	<b>NO</b>	<b>YES</b>
<b>8. Resources and Energy</b>			
<b><u>8.1 Mining, Petroleum Production and Extractive Industries</u></b> <b>Objective:</b> To ensure that the future extraction of significant materials is not compromised by inappropriate development.			X
<b><u>Ministerial Directions under Section 9.1 of the Environmental Planning and Assessment Act 1979</u></b>	<b>Consistent</b>		<b>N/A</b>
	<b>YES</b>	<b>NO</b>	
<b>9. Primary Production</b>			
<b><u>9.1 Rural Zones</u></b> <b>Objective:</b> To protect the agricultural production value of rural land.			X
<b><u>9.2 Rural Lands</u></b> <b>Objective:</b> To protect and facilitate economic development of rural lands.			X
<b><u>9.3 Oyster Aquaculture</u></b> <b>Objective:</b> To <ul style="list-style-type: none"> <li>○ ensure that ‘Priority Oyster Aquaculture Areas’ and oyster aquaculture outside such an area are adequately considered when preparing a planning proposal, and</li> <li>○ protect ‘Priority Oyster Aquaculture Areas’ and oyster aquaculture outside such an area from land uses that may result in adverse impacts on water quality and consequently, on the health of oysters and oyster consumers.</li> </ul>			X
<b><u>9.4 Farmland of State and Regional Significance on the NSW Far North Coast</u></b> <b>Objective:</b> To ensure the best agricultural land will be available for current and future generations.			X

### **5.3 Environmental, social and economic impact.**

#### **5.3.1 *Is there any likelihood that critical habitat or threatened species, populations or ecological communities, or their habitats, will be adversely affected as a result of the proposal?***

The land is already zoned for large lot residential development and vegetation will be retained as much as possible during subdivision.

The Planning Proposal will not affect any critical habitat or threatened species, populations or ecological communities, or their habitats nor is it expected to have any adverse environmental effects.

There is no native ground cover or shrub layer and no continuous canopy in this area. The connectivity vegetation comprises wind row plantings associated with the previous agricultural use.

#### **5.3.2 *Are there any other likely environmental effects as a result of the planning proposal and how are these to be managed?***

No.

The Planning Proposal simply provides increased opportunity for housing on large residential lots, on land which is already zoned R5 Large Lot Residential. The likely environmental effects of a potential increase of 38 dwellings in Pitt Town are:

- Approximate additional daily vehicle trips of 370.
- Additional stormwater generated by 38 new dwellings

It is considered that the proposed upgraded local and regional road network will have capacity to accommodate the additional vehicle trips. Stormwater will be managed on site to ensure that there is no increase in runoff volume or velocity from the land.

The Planning Proposal will not result in any significant environmental effects.

#### **5.3.3 *Has the planning proposal adequately addressed any social and economic effects?***

The social and economic effects of the proposal are considered to be acceptable, as the proposal is consistent with the relevant State and Local strategies.

The proposal will have a positive social and economic effect by constructing a substantial part of the Pitt Town Flood Evacuation Route, improving access to the regional evacuation network, at no cost to the community and by increasing the availability of housing in this locality.

### ***Pitt Town Flood Evacuation Route (FER)***

The FER is designed as medium collector road, with a carriageway of 11 metres and footways of 3.5 metres. This link, which is some 1,147m in length, is to be a landscaped boulevard incorporating appropriate street trees within the road reserve.

The Development Control Plan states at paragraph 4.6.6 states:

*“The route will be via Wells Street and/or Hall Street, Mitchell Place and Pitt Town Dural Road. Part of these works will be funded by way of development contributions.”*

However, this cannot occur given that there is no funding mechanism within the S7.11 plan to allow for this.

A review of the Hawkesbury Section 7.11 Contributions Plan, *titled Hawkesbury Section 94 Contributions Plan 2015*, reveals that no works for the Flood Evacuation Route are included in the Road Works Schedule. An amount of \$1,949,460.07 is included in the contributions worksheet with a note that the timing is *“before all development is completed”*. However, no references to this work can be found in Council’s Delivery or Operational Plans.

It is assumed that this amount relates to other sections of the FER as no specific works are proposed on the subject land. It also noted that the land is not included for acquisition in the S7.11 Plan. The funds seem that they will be allocated to the upgrading of the Mitchell Road/Cattai Road/Pitt Town Dural Road intersection as this is part of the regional evacuation route. These funds, or State Government funds, should also be allocated to the upgrading (raising) of the low point in Pitt Town Dural Road to ensure that the regional FER is appropriate. Works on the regional upgrade to the FER should not be the responsibility of the individual landowner/developer, especially since the subject land contains a significant portion of the FER.

This creates the curious situation where a significant section of this major piece of public infrastructure is not funded by developer contributions.

The usual funding model for collector roads in residential release areas is that the owner/developer of the land is responsible for the cost of a local road to which lots would ordinarily have frontage and access.

The difference in cost between a local road and a collector road is funded by S7.11 contributions. In this case the difference in road construction equates to a cost responsibility of 72.7% on the land developer and 27.3% funded by S94 contributions. For some reason, **perhaps an oversight, 27.3% of the cost of this section of the FER has no source of funding.**

Of course, the above model assumes that the collector road would provide access to individual allotments. Some preliminary lot layouts have been examined for the land and one is provided in figure 2 for illustration. However, such layouts would only be feasible with the proposed lot size of 1,000m<sup>2</sup>.

In the absence of this planning proposal, there is serious doubt in relation to how the FER will be funded and completed.

## ***Additional Housing Opportunities***

Under the current planning controls, i.e., 2,500m<sup>2</sup> minimum lot size, and construction of the FER, the land has the potential to produce some 26 lots (a total increase of 22 lots).

Research into the background of the LEP amendment and DCP preparation for the Pitt Town Development Area has not found any particular evidence that the lot sizes were set based on any economic or feasibility testing. In this regard it seems that the lot sizes were determined on a subjective basis only with no economic feasibility considered.

The owner has prepared a financial model detailing the costs and returns for a development of 26 lots over the subject land in accordance with the current development controls.

It is not appropriate, for the purposes of this report to disclose the individual cost detail as this information is considered 'commercial in confidence'. However, should this detail be required by Council or the Department of Planning and Environment staff to inform their assessment of this planning proposal, that information can be provided/discussed on a confidential basis and on the guarantee that such information not be provided to any third party.

It is submitted that, based on the owner's investigation, no developer would take on a subdivision project where the margin for return on investment is what it is calculated to be.

Conversely, if the minimum lot size was changed to 1,000m<sup>2</sup>, the potential exists for the creation of approximately 64 extra lots (a total increase of 60 lots). This not only makes the development viable, but significantly increases the available housing opportunities both in number and purchase price.

A review of the lot size map for Pitt Town shows that there is very limited opportunity for the development of 1,000m<sup>2</sup> lots, but there appears to be ample potential for 2,000m<sup>2</sup> and 2,500m<sup>2</sup> lots.

This land is not constrained by flooding, aircraft noise or slope and all services are available. The land presents an ideal opportunity to provide for additional housing in the form of 1,000m<sup>2</sup> residential lots.

## **5.4 Infrastructure (Local, State and Commonwealth)**

### ***5.4.1 Is there adequate public infrastructure for the planning proposal?***

Arrangements will be made with the relevant service providers for reticulated water & sewer, electricity, telephone and communications. Preliminary enquiries with these providers indicate that capacity is available for future development (See attachment 4 to this proposal). The likely demand for services created by the subdivision would be met by the usual contribution process with the relevant authorities.

The existing and proposed infrastructure for Pitt Town has adequate capacity for this minor increase in housing opportunities.

## **5.5 State and Commonwealth interests**

### **5.5.1 *What are the views of State and federal public authorities and government agencies consulted in order to inform the Gateway determination?***

Should the Gateway be issued for this planning proposal all relevant State Government Authorities will be consulted and consultation will be generally in accordance with the Gateway Determination requirements.

## **6.0 Mapping**

Sufficient detail has been included in this Planning Proposal to identify the changes required to the Lot Size map.

The mapping amendments required if this planning proposal is supported are to amend the Hawkesbury LEP 2012 Lot Size Map (Sheet LSZ\_008C) to permit a minimum lot size of 1,000m<sup>2</sup> for the land. No other mapping changes are required.

The Council will provide appropriate mapping in accordance with the Standard technical requirements for LEP Maps. The Council mapping will be submitted for Gateway determination with the Planning Proposal.

## **7.0 Community Consultation**

It is considered that a public exhibition period of 14 days would be sufficient community consultation for this planning proposal. However, consultation would be undertaken in accordance with any requirements of the Gateway Determination.

## **8.0 Project Timeline**

This is a matter for Council to determine. However, the steps in the project would be guided by the following:

1. Resolution of Council to prepare Planning Proposal and forward for Gateway Determination.
2. Planning Proposal submitted to the Department of Planning and Environment for Gateway approval.
3. Gateway determination received by Council.
4. Community consultation (14 days or as required by the Gateway Determination).
5. Outcomes of Community consultation presented to Council.
6. Planning Proposal submitted to Department of Planning and Environment requesting notification on Government Gazette.

## 9.0 Conclusion

The purpose of this planning proposal is to allow the land to be subdivided to a minimum lot size of 1,000m<sup>2</sup>, instead of 2,500m<sup>2</sup> as currently permitted.

This will facilitate viable development of the land, while creating additional housing opportunities in an appropriate location.

More importantly from a public benefit point of view, a significant section of the Pitt Town Flood Evacuation Route (some 1,147m in length) will be constructed at no cost to the community. The existing, built evacuation route is circuitous and only has tenuous links to the regional network. Support for the planning proposal will facilitate the delivery of a substantial portion of the planned FER and will also provide more direct access to the regional evacuation network to the east for the northern precincts of Pitt Town.

It is considered that this planning proposal will provide a superior land use outcome and satisfies all of the requirements for a Gateway Determination by the LEP Review Panel. In summary, the planning proposal is justified for the following reasons:

1. The 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, and improved regional evacuation network links. The landowners are open to discussion for a VPA for the works subject to the planning proposal being supported and completed.
2. Construction of the Pitt Town FER 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.
4. The FER 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.

Accordingly, Hawkesbury City Council is requested to support this application, and resolve to prepare a draft local environmental plan as proposed.

## Attachments

1. Molino Stewart, Environment & Natural Hazards, Review of Flood Evacuation Capacity, Dated 29 January 2019
2. Molino Stewart, Environment & Natural Hazards, Clarification of Flood Evacuation Capacity, Dated 23 March 2021
3. Audit, prepared by Hawkesbury City Council, of existing and potential allotments in Pitt Town under existing development controls.
4. Letter from Johnson Property Group, dated 22 October 2015, advising sufficient sewer capacity.
5. Photo of Eldon Street, Pitt Town on 23 March 2020